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Laws of the territory of New Mexico.

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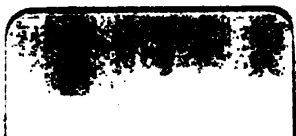
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1899.
ACTS **CHAS. F. EASLEY,**
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF NEW MEXICO,



THIRTY-THIRD SESSION,

**Convened in the Capitol, at the City of Santa Fe, on Monday, the 16th
day of January, 1899, and adjourned the 16th
day of March, 1899.**

Prepared for publication by
GEORGE H. WALLACE.

BY AUTHORITY.

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1899.

In preparing the following laws for publication the text of the original engrossed Acts has been scrupulously followed. Any seeming errors, therefore, must be attributed to the original, and not to the preparation for publication. Obvious errors, affecting the sense or design of the original, have been corrected, so far as practicable, by the insertion of the proper words in brackets, thus: []

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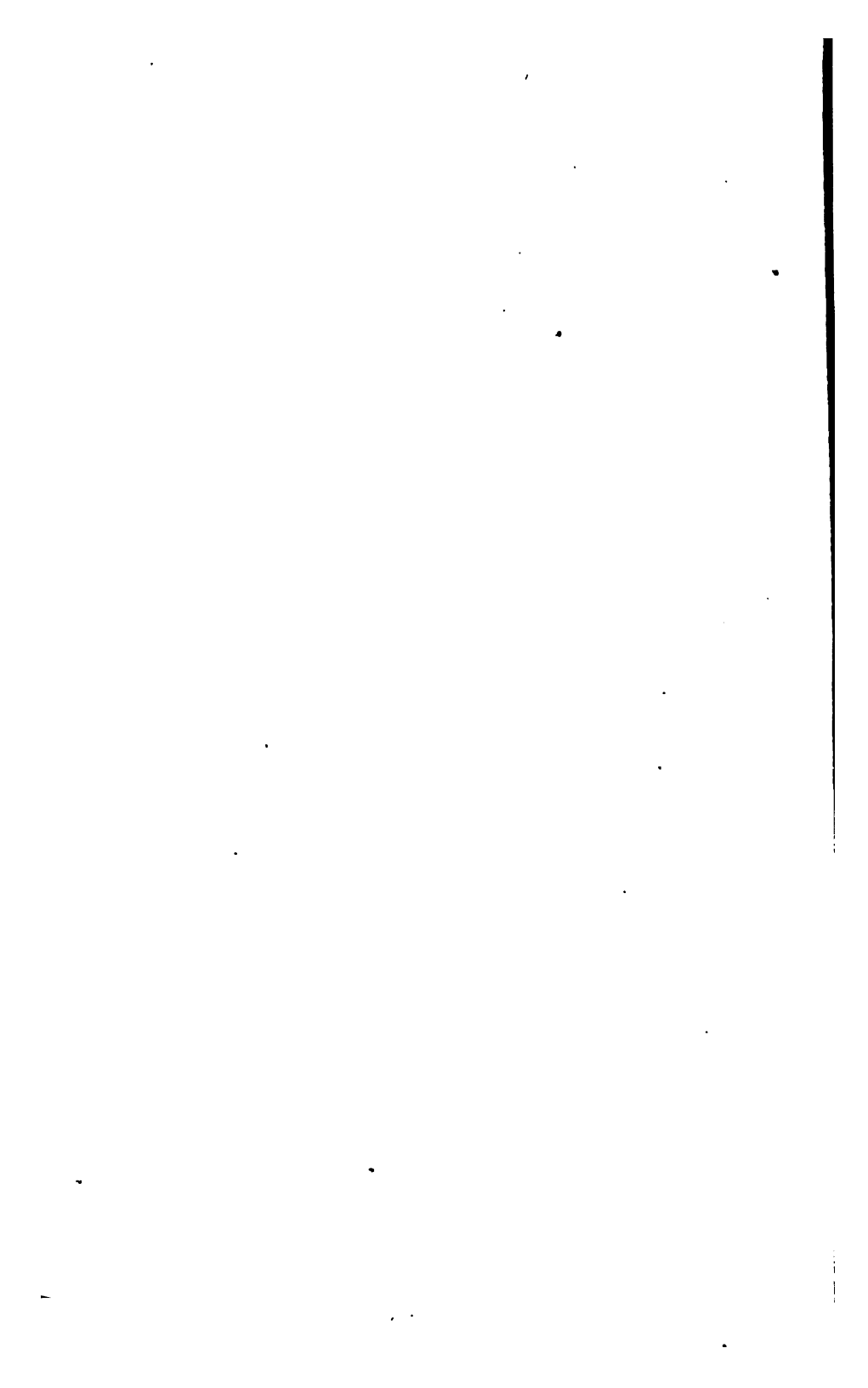
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LAWS OF NEW MEXICO.

THIRTY-THIRD LEGISLATIVE ASSEMBLY, 1899.

CHAPTER I.

AN ACT TO AMEND SECTIONS 3536 AND 3541 OF THE COMPILED
OF 1897. *C. B. 10; Approved January 19, 1899.*

CONTENTS.

Sec 1. Amends Section 3536 Compiled Laws 1897. Of reduction of sentence after conviction.

Sec 2. Amends section 3541 Compiled Laws 1897, of restoration to citizenship of persons serving under sentence.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section three thousand five hundred and thirty-six of the Compiled Laws of 1897, be and the same is hereby amended by adding thereto the following:

"Provided, That no such deduction from the time of any sentence shall be made unless the governor of the territory shall issue to the person for whom such deduction is claimed, a pardon as provided in section 3541 of said Compiled Laws."

SEC. 2. That section three thousand five hundred and forty-one of the Compiled Laws of 1897, be and the same is hereby amended so as to read as follows:

"Section 3541. If any convict shall pass the entire period of his sentence without any violation of the rules and regulations of the penitentiary, he shall be intitled [entitled] to a certificate thereof by the superintendent, endorsed by the board of penitentiary commissioners, and on presenting the same to the governor he may be granted a pardon and restored to citizenship, but the governor shall not be obliged to grant such pardon and in case of the refusal of the governor to grant such pardon such convict shall remain in the penitentiary until the expiration of his full term of service accord-

ing to the sentence of the court, unless the governor shall at some subsequent time prior to the expiration of said term, grant such pardon and restore such convict to citizenship."

SEC. 3. This act shall be in force and effect from and after its passage and all laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER II.

AN ACT TO PROVIDE FOR THE PRINTING OF BILLS, DOCUMENTS, ETC., OF THE 33D LEGISLATIVE ASSEMBLY, IN SPANISH. *C. B. 9; Approved January 24, 1899.*

CONTENTS.

Sec 1. Authorizes printing in Spanish of all matter ordered by Legislative Assembly

Sec. 2. When not paid for by the United States shall be paid for out of any funds in Treasury except interest fund. Auditor shall draw warrant for same upon delivery of work.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That there shall be printed in the Spanish language such bills, rules, reports, documents, and all other matter as may be ordered printed by the legislative assembly or either branch thereof.

SEC. 2. That the cost of such printing and all other printing that is not paid by the United States under the rules and regulations of the treasury department, that shall be ordered by either or both houses of the legislative assembly, shall be paid for out of any funds in the hands of the territorial treasurer, except such funds as are for the payment of interest on the territorial debt. The territorial auditor shall draw his warrant upon the treasurer for the amount of such bills as [are] incurred, upon completion and delivery of the work.

SEC. 3. This act shall be in force and take effect from and after its passage.

CHAPTER III.

AN ACT TO CREATE THE COUNTY OF OTERO AND PROVIDE FOR THE GOVERNMENT THEREOF AND TO READJUST THE BOUNDARIES OF CHAVES COUNTY AND FOR OTHER PURPOSES. *C. B. 23; Approved January 30, 1899.*

CONTENTS.

- Sec. 1. Creates Otero County. Boundaries.
- Sec. 2. County seat Alamogordo. Court House.
- Sec. 3. Salaries of officers shall be those designated for counties of the fourth class.
- Sec. 4. The Governor shall appoint the County Officers.
- Sec. 5. Precinct and school district boundaries remain as at present divided, except etc.
- Sec. 6. May incur indebtedness for current expenses, pro rata of county indebtedness and court house.
- Sec. 7. Shall ascertain pro rata of county indebtedness of respective counties. Provisions for payment of such indebtedness.
- Sec. 8. Portions of Lincoln County added to Chaves County. Provision for payment of pro rata of county indebtedness.
- Sec. 9. Collection of back taxes.
- Sec. 10. Terms, issuing and sale of bonds authorized.
- Sec. 11. Disposition of funds paid to other counties, on pro rata indebtedness.
- Sec. 12. Provision for representation in Legislative Assembly.
- Sec. 13. For judicial purposes attached to 3d Judicial District. Time of holding court.
- Sec. 14. District Attorney.
- Sec. 15. Until peace officers are appointed and qualified, the present peace officers shall continue to act.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That there be and hereby is created out of a part of the counties of Dona Ana, Socorro and Lincoln a new county to be known and called Otero county which shall embrace all that portion of said counties of Dona Ana, Socorro and Lincoln lying within the following boundaries, viz: Beginning at a point on the boundary line between the Territory of New Mexico and the State of Texas where the range line between ranges five and six east of New Mexico principal meridian projected south would intersect said boundary line; thence running north on said range line to the third standard parallel south; thence east along the third standard parallel [parallel] south to the range line between ranges six and seven east; thence north along said range lying between ranges six and seven east to the second standard parallel [parallel] south; thence east, along said second standard parallel [parallel] south to where the same intersects the range line between ranges twelve and thirteen east; thence south along said range line between ranges twelve and thirteen east to the township lying between townships eleven

and twelve south; thence east along said township line between said townships eleven and twelve to the intersection of the range line between ranges sixteen and seventeen east; thence south along said range line between ranges sixteen and seventeen east to the intersection of the same with the third standard parallel [parallel] south; thence west along said third standard parallel [parallel] south to the intersection of the range line between ranges fifteen and sixteen east, south of the third standard parallel [parallel] south; thence south along said range line between ranges fifteen and sixteen east to the fourth standard parallel [parallel] south; thence east along the fourth standard parallel [parallel] south to the western boundary of Eddy county; thence south along said western boundary of Eddy county to the boundary line between the Territory of New Mexico and the State of Texas; thence west along said boundary line between said territory and state to the place of beginning.

SEC. 2. That the county seat of said county so created is hereby fixed and established at the Town of Alamogordo therein and as soon as practicable under the provisions of this act, the county commissioners of said county shall cause to be erected suitable court house and jail buildings for said county at said county seat.

SEC. 3. That said county so established shall, with reference [reference] to salaries of officers, be a county of the fourth class, as such class is defined in and provided for in the act, entitled, "An Act to provide for the compensation of county officers and for other purposes," approved March 18, 1897, and the salaries and emoluments of the officers of said county shall be such as are in said act provided for officers of counties belonging to said fourth class.

SEC. 4. That the governor of the territory shall on or before April 1st, 1899, duly appoint and commission from among the residents of said county, a sheriff, probate judge, probate clerk, county assessor, county treasurer, county school superintendent, county surveyor and three county commissioners who shall have the same qualifications as are now required for like officials of other counties and who shall qualify within thirty days after such appointment, as required of other like officials [,] and enter upon the discharge of their respective duties and who shall serve until the qualification of their successors who shall be elected at the next general election for such officers, and the governor shall likewise appoint officers to fill any vacancy caused by the failure of any such appointees to qualify as herein required.

SEC. 5. The precincts and school districts now existing in the territory included in such county and the officials thereof shall remain the same as they now are until changed by law, and in case any precinct or district shall be divided [divided] by said county line the proper officials of the counties in which parts thereof re-

main shall reorganize said precincts and school districts so as to conform to the new county lines.

SEC. 6. For the purpose of providing a fund for the payment of the current and court expenses of said county until the taxes levied and collected therefor become available for such purpose, the said board of county commissioners is hereby authorized and empowered to issue bonds to be known and described as "current expense bonds" of such county not to exceed the sum of five thousand dollars; and for the purpose of paying to the counties of Dona Ana, Socorro and Lincoln, respectively, such proportion of the outstanding indebtedness of such counties as is hereinafter provided, said board of county commissioners is also hereby authorized and empowered to issue the bonds of said county in such amounts as may be required for such purpose; and for the purpose of raising funds for the erection of a suitable court house and jail, said board of county commissioners is also hereby authorized and empowered to issue the bonds of said county in an amount not to exceed twenty-five thousand dollars.

SEC. 7. The county commissioners of Dona Ana, Socorro and Lincoln counties respectively, shall at the first regular meeting of such boards after the passage of this act find and determine and duly enter of record the total amount of the lawful indebtedness of their respective counties less cash on hand and also as soon as the same may be lawfully and finally determined the entire amount of property assessed therein for the year 1899, and shall forward a certified copy of such record to the probate clerk of said County of Otero and, as soon as the funds can be realized by said board of commissioners of Otero county from the sale of bonds above authorized for such purpose, the said county commissioners of Otero county shall cause to be paid to each of said counties of Dona Ana, Lincoln and Socorro such proportion of the entire debt of each of said counties, respectively, less cash on hand, as the assessed property in 1899 situated within the part of such county hereby included within Otero county bears to the entire amount of assessed property of such county for said year [,] and until such amounts shall have been paid said counties respectively, the said County of Otero shall levy and collect a tax and pay annually to said counties of Dona Ana, Socorro and Lincoln respectively, from the funds thus collected such amount as will equal the interest upon that proportion of the debt of such counties respectively which it is hereby made obligatory upon said County of Otero to assume and pay.

SEC. 8. The western boundary of the County of Chaves is hereby changed so as to include within said County of Chaves all that portion of Lincoln county, lying south of the line between townships thirteen and fourteen south, of the second standard parallel [parallel] south on the north, and the fourth standard parallel [par-

and twelve south; thence east along said township line between said townships eleven and twelve to the intersection of the range line between ranges sixteen and seventeen east; thence south along said range line between ranges sixteen and seventeen east to the intersection of the same with the third standard parallel [parallel] south; thence west along said third standard parallel [parallel] south to the intersection of the range line between ranges fifteen and sixteen east, south of the third standard parallel [parallel] south; thence south along said range line between ranges fifteen and sixteen east to the fourth standard parallel [parallel] south; thence east along the fourth standard parallel [parallel] south to the western boundary of Eddy county; thence south along said western boundary of Eddy county to the boundary line between the Territory of New Mexico and the State of Texas; thence west along said boundary line between said territory and state to the place of beginning.

SEC. 2. That the county seat of said county so created is hereby fixed and established at the Town of Alamogordo therein and as soon as practicable under the provisions of this act, the county commissioners of said county shall cause to be erected suitable court house and jail buildings for said county at said county seat.

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SEC. 4. That the governor of the territory shall on or before April 1st, 1899, duly appoint and commission from among the residents of said county, a sheriff, probate judge, probate clerk, county assessor, county treasurer, county school superintendent, county surveyor and three county commissioners who shall have the same qualifications as are now required for like officials of other counties and who shall qualify within thirty days after such appointment, as required of other like officials [,] and enter upon the discharge of their respective duties and who shall serve until the qualification of their successors who shall be elected at the next general election for such officers, and the governor shall likewise appoint officers to fill any vacancy caused by the failure of any such appointees to qualify as herein required.

SEC. 5. The precincts and school districts now existing in the territory included in such county and the officials thereof shall remain the same as they now are until changed by law, and in case any precinct or district shall be divided [divided] by said county line the proper officials of the counties in which parts thereof re-

main shall reorganize said precincts and school districts so as to conform to the new county lines.

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SEC. 5. The precincts and school districts now existing in the territory included in such county and the officials thereof shall remain the same as they now are until changed by law, and in case any precinct or district shall be devided [divided] by said county line the proper officials of the counties in which parts thereof re-

main shall reorganize said precincts and school districts so as to conform to the new county lines.

SEC. 6. For the purpose of providing a fund for the payment of the current and court expenses of said county until the taxes levied and collected therefor become available for such purpose, the said board of county commissioners is hereby authorized and empowered to issue bonds to be known and described as "current expense bonds" of such county not to exceed the sum of five thousand dollars; and for the purpose of paying to the counties of Dona Ana, Socorro and Lincoln, respectively, such proportion of the outstanding indebtedness of such counties as is hereinafter provided, said board of county commissioners is also hereby authorized and empowered to issue the bonds of said county in such amounts as may be required for such purpose; and for the purpose of raising funds for the erection of a suitable court house and jail, said board of county commissioners is also hereby authorized and empowered to issue the bonds of said county in an amount not to exceed twenty-five thousand dollars.

SEC. 7. The county commissioners of Dona Ana, Socorro and Lincoln counties respectively, shall at the first regular meeting of such boards after the passage of this act find and determine and duly enter of record the total amount of the lawful indebtedness of their respective counties less cash on hand and also as soon as the same may be lawfully and finally determined the entire amount of property assessed therein for the year 1899, and shall forward a certified copy of such record to the probate clerk of said County of Otero and, as soon as the funds can be realized by said board of commissioners of Otero county from the sale of bonds above authorized for such purpose, the said county commissioners of Otero county shall cause to be paid to each of said counties of Dona Ana, Lincoln and Socorro such proportion of the entire debt of each of said counties, respectively, less cash on hand, as the assessed property in 1899 situated within the part of such county hereby included within Otero county bears to the entire amount of assessed property of such county for said year [,] and until such amounts shall have been paid said counties respectively, the said County of Otero shall levy and collect a tax and pay annually to said counties of Dona Ana, Socorro and Lincoln respectively, from the funds thus collected such amount as will equal the interest upon that proportion of the debt of such counties respectively which it is hereby made obligatory upon said County of Otero to assume and pay.

SEC. 8. The western boundary of the County of Chaves is hereby changed so as to include within said County of Chaves all that portion of Lincoln county, lying south of the line between townships thirteen and fourteen south, of the second standard parallel [parallel] south on the north, and the fourth standard parallel [par-

allel] south on the south, and the range line between ranges fifteen and sixteen east, south of the third standard paralell [parallel] south and sixteen and seventeen east south of the second standard paralell [parallel] south on the west and the western boundary line of the County of Eddy on the east, and at the first regular meeting of the county commissioners of Lincoln county after the passage of this act, they shall also cause to be certified to the County of Chaves the total amount of the lawful indebtedness of said County of Lincoln, less cash on hand, and as soon as the same may be lawfully and finally determined the assessed property therein for the year 1899, and said County of Chaves shall pay to the County of Lincoln such proportion of the indebtedness of said County of Lincoln, less cash on hand, as the assessed value in 1899 of the property situated in said part thereof hereby added to Chaves county bears to the total assessed valuation of property in Lincoln county for the year 1899; and for such purpose the county commissioners of Chaves county may issue and sell bonds of such county in such amount as may be necessary; and, until said amount is so paid to the County of Lincoln, the said County of Chaves is hereby required to pay to said County of Lincoln such an amount as will equal the interest upon that proportion of the debt of such County of Lincoln which it is hereby made obligatory upon the County of Chaves to assume and pay, and for such purpose the county commissioners of Chaves county shall levy and cause to be collected an annual tax.

SEC. 9. All of the assessed and uncollected taxes and licenses upon property or business situate within the boundaries of the counties of Otero and Chaves as hereby created and changed, no matter by which county levied and assessed, shall be collected by the proper officer of the County of Otero and Chaves respectively, but that portion thereof levied and assessed previous to the year 1898 shall be paid by the officer collecting the same, less cost of collection, to the county in which the property upon which the same was assessed is now situate, and that portion thereof assessed and levied in 1899 shall belong to the counties of Otero and Chaves respectively and become part, when collected, of the current expense, court and school funds thereof and there shall be the same right and procedure for the collection thereof as is provided by law for the collection of taxes.

SEC. 10. All of the bonds issued under the provisions of this act, shall be for the period of twenty years, with the option on the part of the county issuing the same to redeem the same or any part thereof after ten years from issuance. They shall bear interest at six per cent per annum payable semi-annually from their date and have attached thereto coupons for interest, and the principal and interest shall be payable at such place as may be agreed and determined by the board of county commissioners issuing the same. They shall be in amounts of \$100 each or in multiples thereof;

they shall be lithographed and signed by the chairman of the board of county commissioners and the treasurer of said county executing the same and the seal of the county affixed thereto, attested by the clerk of said board, except the coupons thereto attached, to which the lithographed signature of said chairman and treasurer alone shall be sufficient, and which bonds shall be in the form as adopted by the board of county commissioners. Any of said bonds issued under the terms hereof shall be sold only to the highest bidder for cash at not less than ninety-five per cent of the par value of the principal thereof after publication of notice for twenty days in a newspaper published in the City and State of New York, and a newspaper published in Denver, Colorado, and at Santa Fe, New Mexico and at Las Cruces, New Mexico, of the time of such sale and the amount of said bonds so to be sold, such bids to be sealed and the county commissioners to have the right to reject any and all bids if in their opinion a sufficient amount is not bid. And there shall be levied and collected annually by said counties so issuing said bonds, upon all of the taxable property therein, a sufficient tax to pay the interest upon said bonds as the same fall due, and, annually after the year 1906, shall also levy and collect upon said taxable property a tax sufficient to provide a sinking fund adequate for the final redemption of said bonds upon the maturity thereof.

SEC. 11. Any and all funds paid to the counties of Dona Ana, Socorro or Lincoln under the provisions of this act, shall be by such counties immediately used in the part payment and discharge of the bonded obligations of such counties respectively, provided the part payment and discharge thereof is then practicable, and if not then practicable the same shall be placed in the sinking fund provided by such county for the payment of its bonded indebtedness and kept separate [separate] and apart from all other funds of said county and on no account mingled therewith or used for any other purpose whatever and shall at the earliest practicable time be used by such county so receiving the same in the discharge or part discharge of the bonded indebtedness thereof.

SEC. 12. For legislative purposes the said County of Otero is hereby attached to and made a part of the 12th and 14th legislative districts, and together with the counties of Dona Ana, and Dona Ana and Grant shall elect one representative to the territorial legislature in each of said districts, jointly with such counties, and is also attached to and made a part of the eighth and ninth legislative council districts, and, together with the counties of Dona Ana and Grant shall elect one member of the territorial council, and together with the counties of Lincoln, Chaves, Eddy, Dona Ana and Grant shall also elect one member of the territorial council.

SEC. 13. Said County of Otero is hereby attached to the third judicial district for judicial purposes, and district court for the trial of causes arising under the laws of the territory shall be held

therein by the judge of said court beginning on the second Monday of April and October of each year, there being a sufficient amount of the court fund of said county therefor, and special terms of said court may be held when convened in accordance with law.

SEC. 14. A district attorney shall be appointed for the Counties of Dona Ana and Otero, whose qualifications shall be such as are now required, who shall be entitled to a salary of \$300. per annum from Dona Ana county, and \$200. per annum from Otero county, payable quarterly.

SEC. 15. That until the appointment and qualification of the peace officers of said County of Otero, the peace officers of each of the counties of which the same is hereby created, shall exercise the duties of their offices within the portions of their respective counties hereby made a part of Otero county.

SEC. 16. This act shall take effect immediately after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER IV. *Amended L. 1905* *P. 323.*

AN ACT FIXING THE TIME OF HOLDING THE SUPREME COURT AND DISTRICT COURTS. C. B. 67; *Approved February 4, 1899.*

CONTENTS.

- Sec. 1. Time of holding supreme court. Return of process.
Sec. 2. Time of holding district courts in the several counties.
Sec. 3. Process returnable at the various dates designated for holding court in the respective counties.
Sec. 4. For other counties created, judge shall designate time for holding court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

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SECTION 1. The regular term of the supreme court shall be held at the City of Santa Fe commencing on the first Wednesday after the first Monday in January of each year; and all appeals, writs of error, bonds, summons, citations, and other process which would otherwise be returnable at a different time hereafter are hereby made returnable on the first day of said term in January A. D. 1900, but this section shall not be construed to prevent the holding of an adjourned term of said court which has already been fixed by said court.

SEC. 2. The terms of the district courts for the various counties and for the various districts hereafter shall be held and commenced as follows:

In the first judicial district and in the County of Santa Fe, at the

county seat of said county, commencing on the first Monday of March and September in each year; in San Juan county at the county seat of said county commencing on the third Monday in April and October in each year; in the County of Rio Arriba, at the county seat of said county commencing on the second Monday of May and November, in each year; in the County of Taos at the county seat of said county, commencing on the first Monday of June and December of each year.

In the second judicial district and in the County of Bernalillo at the county seat of said county, commencing on the third Monday of March and September of each year; in the County of Valencia at the county seat of said county, commencing on the first Monday of March and September in each year.

In the third judicial district and in the County of Dona Ana, at the county seat of said county, commencing on the first Monday of April and October in each year; in the County of Grant, at the county seat of said county, commencing on the first Monday of March and September in each year; in the County of Otero at the county seat of said county commencing on the first Monday of May and November in each year; in the County of Sierra at the county seat of said county commencing on the fourth Monday of May and November in each year.

In the fourth judicial district and in the County of San Miguel, at the county seat of said county commencing on the second Monday of May and November in each year, [;] in the County of Union at the county seat of said county commencing on the first Monday of March and September in each year; in the County of Colfax at the county seat of said county commencing on the third Monday of March and September in each year; in the County of Mora at the county seat of said county commencing on the third Monday of April and October in each year; in the County of Guadalupe at the county seat of said county commencing on the fourth Monday of June and December in each year.

In the fifth judicial district and in the County of Socorro, at the county seat of said county commencing on the fourth Monday of April and second Monday of November in each year; in the County of Eddy at the county seat of said county commencing on the fourth Monday of February and second Monday of September in each year; in the County of Chavez [Chaves] at the county seat of said county commencing on the second Monday in March and fourth Monday of September in each year; and in the County of Lincoln at the county seat of said county commencing on the first Monday of April and third Monday of October in each year.

SEC. 3. Every writ, summons, bond, recognizance, subpoena or other process whatever which has been issued or taken out from any district court for any district or county shall be returnable at the

times and places designated in section 2 of this act and shall have the same force and effect as if the same had been made returnable at the times and places mentioned in said section 2 of this act.

SEC. 4. Should any other counties be hereafter created and organized in this territory and no time fixed for holding terms of a district court therein, the judge of the district court of the district to which such county may be annexed shall fix the time of the commencement of a district court therein, which shall be held by him at the county seat thereof.

SEC. 5. This act shall take effect from and after its passage and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER V.

AN ACT TO AMEND SECTION 11, OF CHAPTER LX OF THE SESSION LAWS OF 1897 PASSED BY THE 32D LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO. *C. B. 38; Approved February 4, 1899.*

CONTENTS.

Sec. 1. Mileage of sheriffs, service of papers. Proviso. Board of prisoners.

Be it enacted by the Thirty-third Legislative Assembly of the Territory of New Mexico.

SECTION 1. That section 11 [10] of chapter LX of the laws of the Territory of New Mexico passed by the 32d Legislative Assembly, same being [being] an act entitled; "An Act to provide for the compensation of county officers and for other purposes;"

Approved March 13, 1897, be and the same is hereby amended to read as follows:

Section 11 (10). The sheriffs of the several counties of this territory shall be paid mileage at the rate of twelve and one-half (12½) cents a mile, for the distance actually and necessarily traveled in serving any warrants, process, order, citation, summons, jury venire, or decree of any courts now provided by law; *Provided*, that in serving any jury venire mileage shall only be charged once to the farthest point actually traveled in serving such venire. For boarding prisoners confined in the county jail each sheriff shall be paid at the rate of fifty cents per day each.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER VI.

AN ACT TO KEEP PUBLIC FUNDS WITHIN THE CONFINES OF THE TERRITORY. *H. B. 22; Approved February 8, 1899.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That any person holding an office under the laws of this territory, to whom is entrusted, by virtue of such office, the collection, safe keeping, receipt, disbursement, or transfer of any tax, revenue, fine, or other public money derived from any source whatsoever, who shall keep the same deposited outside of the boundaries of this territory, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than \$50., nor more than \$200., or be imprisoned in the county jail for a term of not less than one month, nor more than four months, or by both such fine and imprisonment, in the discretion of the court trying the cause.

SEC. 2. This act shall take effect, and be in force from and after its passage and approval.

CHAPTER VII.

AN ACT IN REFERENCE TO OFFICES FOR TERRITORIAL OFFICERS. *S. H. B. 11; Approved February 8, 1899.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SECTION 1. That as soon as the territorial capitol building is finished, and ready for occupation, the territorial officials who shall be provided with offices therein shall immediately [immediately] occupy the same, and no rent shall be paid out of any fund of the territory for any office in use thereafter by such officers.

SEC. 2. That all laws or parts of laws in conflict or inconsistent herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

CHAPTER VIII.

AN ACT TO PROTECT PERSONAL PROPERTY FROM LOSS BY ABANDONMENT. *S. H. B. 29; Approved February 8, 1899.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SECTION 1. Any person or persons to whom live stock of another is entrusted by the owner or his agent for the herding, care, or

safe keeping of same, upon contract for a valuable consideration, shall neither leave or abandon the same without giving reasonable notice to the owner or his agent to enable him to supply the place of such person or persons, to whom any such property may have been entrusted, from which injury or damage may result to the owner by loss or impairment of the value of such property, shall be deemed guilty of a misdemeanor, and upon conviction he shall be punished by a fine not exceeding one hundred dollars or imprisonment [imprisonment] not exceeding ninety days in the county jail, or by both such fine and imprisonment [imprisonment].

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER IX.

AN ACT TO PROVIDE THE NECESSARY FUNDS TO COMPLETE AND FURNISH THE TERRITORIAL CAPITOL AT SANTA FE, AND TO LAY OUT THE GROUNDS THEREOF, AND FOR OTHER PURPOSES. *C. B. 36; Approved February 8, 1899.*

CONTENTS.

- Sec. 1. Bonds to rebuild capitol. Second series. Terms. Form. Expense.
Sec. 2. Provides for interest.
Sec. 3. Must be approved by congress.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That for the purpose of providing the funds to complete the territorial capitol now in course of erection at Santa Fe, to furnish the same and to lay out the grounds thereof, an issue of coupon bonds of the Territory of New Mexico is hereby authorized, to the amount of sixty thousand dollars, to be known as the "Capitol Rebuilding Bonds of the Territory of New Mexico, Second Series." Such bonds shall be in the usual form of coupon bonds, payable to bearer, and in the denomination of one thousand dollars each; shall be dated May 1st, 1899; shall bear interest at the rate of four per centum per annum, payable semi-annually; [,] on the first days of May and November; principal and interest shall be payable at the National Bank of Commerce in the City of New York; such bonds shall be payable in thirty years from their date, with the right to the territory, to pay them at any time after twenty years from their date. Such bonds shall be signed by the governor and the territorial treasurer and countersigned by the auditor of public accounts, and the coupons may have the lithographed or engraved fac simile signature of the territorial treasurer, and the secretary of the territory

shall affix the great seal of the territory to the bonds, and the bonds shall be duly [duly] registered in the territorial bond registers in the offices of the auditor and treasurer by those officers. The bonds shall be duly [duly] advertised, and sold by the territorial treasurer to the highest and best bidder, for not less than thier [their] par value and the proceeds of such sale shall be turned in to the territorial treasury, and disbursed on the order of the capital rebuilding board, under such regulations as they may establish, which board is hereby, continued with all the powers and duties conferred upon it by sections 3473 to 3478 both inclusive, of the Compiled Laws of 1897. The neccessary [necessary] expenses of the printing, advertising and selling the bonds shall be paid out of the proceeds of the sale of the bonds.

SEC. 2. To provide for the semi-annual interest of the bonds authorized in section one, the auditor shall levy annually, at the time of levying other territorial taxes, beginning with the year 1899, such tax on all the taxable property in the Territory of New Mexico, as may be neccessary [necessary] to produce the amount of such interest; and for the payment of the interest accruing November 1st, 1899, the sum of fifteen hundred dollars is hereby appropriated, payable out of the interest fund of the fiftieth fiscal year. To provide for the payment of the bonds, the auditor shall levy annually, beginning with the year 1918, such tax on all the taxable property in the Territory of New Mexico, as will be sufficient to pay all the bonds at or before their maturity, such levy to be made at the same time and in the same manner, as other territorial tax levies are made, and to be duly certified to the proper authorities charged with the levy of taxes in the several counties of the Territory of New Mexico, whose duty it shall be to see that levies are duly made, assessed and collected, "Provided, that upon default in payment of territorial taxes upon being tendered by any person holding such defaulted coupons to any county or territorial officer whose duty it shall be to receive and collect territorial taxes."

SEC. 3. This act shall be in force and effect from and after its passage, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed, but no action for the sale of the bonds authorized in section one, shall be taken, until this act has been duly authorized or approved by the Congress of the United States of America.

CHAPTER X.

AN ACT TO AMEND SECTION THREE THOUSAND FOUR HUNDRED AND NINETY-ONE OF THE COMPILED LAWS OF 1897, AND FOR OTHER PURPOSES. C. B. 32; Approved February 13, 1899.

CONTENTS.

- Sec. 1. Amends section 3491 Compiled Laws 1897. Board of penitentiary commissioners, appointed by the governor. Power to remove.
Sec. 2. Superintendent of the penitentiary shall be appointed by the governor. Power to remove.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section three thousand four hundred and ninety-one (3491) of the Compiled Laws of New Mexico, compiled in the year 1897, be and the same is hereby amended so as to read as follows:

[Section] No. 3491. The general government and management of the territorial penitentiary shall be vested in five commissioners who shall be called the board of penitentiary commissioners. Said commissioners shall be appointed by the governor by and with the advice of the legislative council, for the term of two years and until their successors shall be appointed and qualified. They shall all be appointed immediately during the present session of the thirty-third legislative assembly and their terms of office shall commence as soon as their commissions shall be issued to them by the governor. Hereafter during each session of the legislative assembly, the governor by and with the consent of the legislative council, shall appoint the successors of said commissioners, whose terms of office shall expire on the first day of March during such sessions, each of whom shall hold office for two years and until his successor is appointed and qualified, but the governor shall have power at any time to remove any of said commissioners and appoint their successors who shall hold for the unexpired term as herein provided. A majority of said board shall constitute a quorum.

SEC. 2. The superintendent for the penitentiary shall be an officer of the Territory of New Mexico instead of employe as now provided by law, and he shall be appointed by the governor by and with the advice of the legislative council, and the said superintendent shall have and perform the same duties as now required by law, but the governor shall have power at any time to remove the superintendent and appoint his successor. The term of office of superintendent shall be for the period of two years from the date of his appointment and qualification, and until his successor shall be appointed and qualified.

SEC. 3. All acts and parts of acts in conflict with the provisions hereof, are hereby repealed, and this act shall take effect and be in force from and after its passage.

CHAPTER XI. *Amended Feb. 1901, p. 102, sec. 1.*

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF PUBLIC BRIDGES.
S. H. B. 21; Approved February 14, 1899.

CONTENTS.

- Sec. 1. County commissioners shall build bridges, on petition.
Sec. 2. Defines the number of petitioners.
Sec. 3. Advertise for bids. Tax limitations.
Sec. 4. Supervision of work. Pay upon approval.
Sec. 5. Provides for deficiency.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That upon the petition of the number of the tax payers on property mentioned in section 2 of this act resident in any county of the Territory of New Mexico to the board of county commissioners in which they reside for the building of a public bridge in said county, it shall be the duty of such board, at its next regular meeting, to advertise for bids and specifications with plan or plans attached for the proposed bridge in some newspaper published in said county, such advertisement to be published for not less than four successive weeks and to contain a specification or description of the bridge together with a description of the place where the same is to be erected and the time within which it is proposed to build the same, and the time and place of offering bids, all bids to be accompanied by a bond in an amount to be fixed by said board of county commissioners, with two or more sufficient sureties thereto resident of the county in which the bridge is to be built, conditioned for the faithful performance of the conditions of the bid, the amount, terms and condition of the bond required to be also inserted in the advertisements for bids.

added 1909 20 2 Sec. 2. The number of tax payers on property necessary to the action of the board of county commissioners in any county upon a petition as mentioned in section 1 of this act shall be as follows: In counties of the first class, 500; in counties of the second class, 300; in counties of the third class, 200; and in counties of the fourth class, 100.

added 1909 155-1 Sec. 3. That upon the advertisement for any offering of bids as provided for in section 1. of this act, it shall be the duty of the board of county commissioners to accept and approve the lowest bid made

in conformity with the provisions of the advertisement therefore, [thereof] and, upon the acceptance of such bid, they shall forthwith and at the time of the next annual levy of taxes for county purposes, make, levy and assess a tax in an amount necessary for the construction of the proposed bridge or bridges, and shall cause said tax to be extended upon the assessment rolls of the county for [the] current year, which tax shall be collected in the manner now provided by law for the collection of other taxes; *provided*, that no tax shall be levied in any county upon any annual levy in excess of the following named sums, viz: In counties of the first class, fifteen thousand dollars; in counties of the second class, ten thousand dollars; in counties of the third class, five thousand dollars; in counties of the fourth class, two thousand five hundred dollars; and *provided, further*, that no money so collected shall be used for any other purpose than for the construction of bridges.

SEC. 4. The board of county commissioners may employ the county surveyor or some other competent person to supervise the erection of bridges, who shall be paid out of said bridge fund; *provided*, that the person so employed shall not be paid more than five dollars per diem for each day actually employed in the supervision of work in progress; and, *further provided*, that no bridge constructed under this act shall be paid for until the same has been duly approved by the person employed by the board of county commissioners to supervise the construction of the same and has been duly approved and received by said board of county commissioners.

SEC. 5. No contract for the erection of a bridge under the provisions of this act shall be let for a greater amount than the limitation for the annual levy of taxing power mentioned in section 2. of this act but in the event the annual tax as levied does not produce the required sum for the erection of the proposed bridge, within the limitation aforesaid, then the board of county commissioners shall levy and collect a deficiency bridge tax to the amount of such deficiency in the next annual levy of the board.

SEC. 6. This act shall be in effect from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER XII. *Repealed L. 1901, p. 123 sec. 8.*

AN ACT TO AMEND SECTIONS 2640, 2641 AND 2644 OF THE COMPILED LAWS OF 1897. *C. B. 37; Approved February 16, 1899.*

CONTENTS.

- Sec. 1.** Amends section 2640 Compiled Laws 1897, concerning standard of petroleum oil and gasoline. Misdemeanors.
- Sec. 2.** Amends section 2641 Compiled Laws 1897, concerning sale of petroleum oil and gasoline below certain standard. Misdemeanors.
- Sec. 3.** Amends section 2644 Compiled Laws 1897, concerning inspection, record and report of inspection of petroleum oil and gasoline. Fees one cent a gallon.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 2640 of the Compiled Laws of 1897 be amended so as to read as follows:

[Section] 2640: Any person or persons, firm, company or corporation, or any agent of any person or persons, firm, company or corporation, who shall transport or bring into this territory for sale or use, or who shall keep for sale or use or who shall sell or offer for sale or use any mineral or petroleum oil, or any oil fluid or substance which is a product of petroleum or into which petroleum or any product of petroleum enters or is found, as a constituent element either at wholesale or retail that is less than what is known as 120 degrees fire test or which has a specific gravity of less than forty-three, and any person or persons, firm, company or corporation, or any agent of any person or persons, firm or corporation who shall transport or bring into this territory for sale or use or who shall sell or offer for sale or use any gasoline, by or under whatever name it may be called, which has a specific gravity less than sixty-three shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for not less than sixty days nor more than six months, or by both such fines and imprisonment at the discretion of the court trying the said cause.

SEC. 2. That section 2641 of the Compiled Laws of 1897 be amended so as to read as follows:

[Section] 2641: Any person or persons, firm, company or corporation or any agent of any person or persons, firm company or corporation who shall sell or offer for sale any mineral [mineral] or petroleum oil or any oil, fluid or substance which is a product of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent element either at wholesale or retail, which

is less than what is known as one hundred and twenty degress fire test or which has a specific gravity of less than forty three, and any person or persons, firm, company or corporation who shall sell or offer for sale any gasoline, by or under whatever name it may be called which has a specific gravity less than sixty-three, shall upon conviction thereof, be subject to the same fines and penalties imposed by section 2640.

SEC. 3. That section 2644 of the Compiled Laws of 1897 be amended so as to read as follows:

Section 2644: The inspector or deputy inspector is entitled to demand and receive from the owner of any oils or fluids inspected one cent for each gallon so inspected. It shall be the duty of each inspector to inspect all oils mentioned in sections 2640 and 2641 as amended by this act, that may be transported or brought into this territory for sale or use or which may be kept for sale or offered for sale or use for illuminating purposes, and keep an accurate record of such oils tested and branded by him which record shall state the date of inspection, the number of packages, barrels, casks or tanks inspected, the number approved, the manufacturers' brand, the name of the person for whom inspected, and the sum of money received for inspection, and such record shall be open to all persons interested in the same. And to more effectually carry out the provision of this act, it shall be lawful for the inspector or his deputies to enter into or upon the premises of any manufacturer, vendor, broker or dealer in such oils, and upon discovery of any of the oils mentioned in section [s] 2640 and 2641, as amended by this act, intended for sale or use for illuminating purposes, that have not been inspected and branded as required by law, they shall proceed to inspect and brand the same. In the month of January of each year the territorial inspector shall make and deliver to the governor of the territory a report of the inspection by himself and deputies during the preceding calendar year.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XIII.

AN ACT TO DESIGNATE THE FUNDS INTO WHICH MONEYS COLLECTED ON JUDGMENTS, IN CASES IN WHICH THE TERRITORY IS A PARTY, SHALL BE PAID. *C. B. 48; Approved February 16, 1899.*

CONTENTS.

Sec. 1. Forfeitures on penal bonds, at the discretion of the court.

Sec. 2. Taxes delinquent prior to 1896, at the discretion of the court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. All moneys recovered on forfeited penal bonds or recognizances shall be paid into the court or school funds of the respective counties where the cause of action originated, or where such recovery may be had, at the discretion of the court trying said cause of action.

SEC. 2. All moneys collected in suits for the recovery of taxes delinquent prior to January 1st, 1896, shall, at the discretion of the court trying said cause, be paid into the court, general county or school fund of the respective counties where such taxes may have become delinquent.

SEC. 3. All acts and parts of acts in conflict with any of the provisions hereof, are hereby repealed, and this act shall be in full force and effect immediately after its passage.

CHAPTER XIV.

sec. 2470 L. 1897

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TOWN MARSHALS IN TOWNS AND VILLAGES IN THE TERRITORY OF NEW MEXICO, INCORPORATED AND ORGANIZED UNDER THE LAW OF 1891 OF THE TWENTY-NINTH LEGISLATIVE ASSEMBLY IN THE TERRITORY OF NEW MEXICO, CHAPTER 32, APPROVED FEBRUARY 14, 1891. *C. B. 19; Approved February 16, 1899.*

CONTENTS.

Sec. 1. Appointed by board of trustees of towns or villages.

Sec. 2. Duties. Subject to removal.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That hereafter in all towns and villages in the Territory of New Mexico organized as such under the Act of the Twen-

ty-ninth Legislative Assembly providing for the incorporations of towns and villages, the town marshals of such towns and villages shall be appointed by the boards of trustees of such towns or villages, which appointment shall be made within thirty days after the election and qualifications [qualification] of such boards in such towns and villages or as soon thereafter as such appointment can be made.

SEC. 2. Such marshal [s] so appointed shall perform all the duties imposed upon them by the board of trustees of such towns or villages under and by virtue of the town or village ordinance, and such marshal may be removed from office by such boards of trustees for any non-performance or neglect of duty, or for other causes shown, and his successor may be appointed by such board to fill such vacancy caused by such removal or vacancy which may result from resignation, death or otherwise.

SEC. 3. This act shall take effect and be in force on and after its passage, and all acts and parts of acts in conflict with this act are hereby repealed.

CHAPTER XV.

AN ACT FOR THE ENCOURAGEMENT OF INDUSTRIAL DEVELOPMENT IN THE TERRITORY OF NEW MEXICO. *C. B. 82; Approved February 16, 1899.*

CONTENTS.

Sec. 1. Exempting tanning and tanning extract factories from taxation for six years.
Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That all tanning extract factories and tanning factories hereafter constructed in the Territory of New Mexico, together with all machinery and fixtures appertaining thereto and used therein, including real estate not exceeding twenty (20) acres for each factory and upon which such factory is constructed, shall be exempt from taxation for the period of six (6) years from the date of the beginning of the construction of such factories which shall be erected and operated in good faith and in a substantial manner before the first day of January, 1901. *Provided*, that such exemption regarding real estate shall not apply where any such factory may be erected within the limits of any town or city in this territory, and in the event of the erection of any such factory within the limits of any town or city, they shall only be entitled to an exemption on the plant and machinery necessary [necessary] to operate said factory.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT IN RELATION TO BRANDS. C. B. 49; *Approved February 16, 1899.*

CONTENTS.

- Sec. 1.** All brands in actual use shall be re-recorded. Duties of Cattle Sanitary Board.
Sec. 2. Within six months owners of brands in actual use shall file fac simile with the Cattle Sanitary Board. Fee when filed after six months.
Sec. 3. Recording brand, when a misdemeanor, penalty.
Sec. 4. Brands not re-filed within the time required by law void; exception.
Sec. 5. Cattle Sanitary Board have power to reject brand for causes stated.

WHEREAS, There are now on record in the territorial brand book sixteen thousand brands, many of which are known to be obsolete and out of use; and

WHEREAS, The finding of any brand for neat cattle which does not so cover and damage the hide as to greatly diminish the value of the animal so branded, is very difficult, and for the purpose of correcting the record of brands and the elimination of those brands known to have been abandoned and which are now obsolete;

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. The Cattle Sanitary Board of New Mexico shall have the power and shall cause all brands now in actual use to be re-recorded. For this purpose the Cattle Sanitary Board shall issue its circular letter to the owner or owners of any brands now appearing upon the brand record in the office of the secretary of the board, requiring the owners of said brand to furnish the secretary with an exact fac-simile of any brand or brands now being used by such owners. In addition to the above notices the Cattle Sanitary Board shall cause such circular letter and blank applications for re-recording to be filed with all inspectors of the board, postmasters, or in some public place in each town or village in the territory, and shall also cause the publication in either Spanish or English or both, in at least one paper in each county, of the requirements of this act, such publication to continue for not less than four weekly issues.

SEC. 2. Within six months from the date of the first publication it shall be the duty of all owners of brands now of records in the office of the Cattle Sanitary Board to have filed with the secretary of said board a fac-simile of the brands now in actual use and owned by them. By actual use is meant brands kept up, which must be so marked as kept up, or brands not kept up on increase, but which are holding brands on cattle or horses now actually owned by them. All brands re-recorded under the provisions of this act shall be recorded free of cost to the owner of said brands, except for the inter-

nal revenue stamp required by the United States Internal Revenue Laws of 1898, if filed within six months, as hereinbefore provided, otherwise the owner shall pay the usual fee and shall be subject to the restrictions for recording brands as now provided by law.

SEC. 3. Any person, company or corporation who shall cause to be recorded a brand not the property of such person, company or corporation, or who shall cause any brand to be recorded under the provisions of the preceding sections, in which there are no cattle of which such brand is the holding brand, or any probate clerk or ex-officio recorder who shall record a brand unless accompanied by a certificate of the secretary of the Cattle Sanitary Board, as now provided by law, or any person who shall use a brand cancelled, as hereinafter provided, shall be guilty of a misdemeanor, and shall, upon conviction, be fined in a sum not less than twenty-five [dollars] and not more than one hundred dollars for each and every offense, said fine to go to the school fund of the county where the offense is committed.

SEC. 4. All brands now of record in the office of the Cattle Sanitary Board and not re-filed within the six months hereinbefore provided, shall be declared unnecessary, obsolete, useless, cancelled, expunged, and not of record; *provided*, that if it shall be proven to the satisfaction of the Cattle Sanitary Board, that any brand now of record, was, either by omission or error, not re-recorded as herein provided, the Cattle Sanitary Board shall cause the same to be re-recorded.

SEC. 5. Any brand offered for record under the provisions of this act, the Cattle Sanitary Board shall have the power to reject, if upon satisfactory evidence it is shown to the said board that the same is offered for, or is of such a character that it is likely to be used for malicious or deceptive purposes, or not in conformity with the provisions of section 2 of this act.

SEC. 6. This act shall be in force from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER XVII.

AN ACT CHANGING THE TERMS OF COURT IN GRANT AND DONA ANA COUNTIES IN THE THIRD JUDICIAL DISTRICT IN THE TERRITORY OF NEW MEXICO. *C. B. 74; Approved February 16, 1899.*

CONTENTS.

Sec. 1. In Grant to first Monday of April, 1899. In Dona Ana to first Monday of March 1899, and thereafter as now provided by law.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the terms of the district courts in Grant and

Dona Ana counties shall be held respectively as follows, to-wit: In the County of Grant and at the county seat of said county, on the first Monday of April, A. D. 1899, and the district court of the third district and for the County of Dona Ana, at the county seat of said county, to begin on the first Monday of March, A. D., 1899, and thereafter the terms of court in said counties shall be held as now provided by law.

SEC. 2. This act shall be in full force and effect from and after its passage and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER XVIII.

AN ACT TO EXTEND THE WORK OF THE NEW MEXICO NORMAL SCHOOL AT LAS VEGAS, AND FOR OTHER PURPOSES. *C. B. 5; Approved February 17, 1899.*

CONTENTS.

- Sec. 1. Changes the title to "The New Mexico Normal University."
- Sec. 2. Establishes departments for manual training and a kindergarten training school.
- Sec. 3. Shall be forever strictly non-sectarian.
- Sec. 4. Amends section 3655 Compiled Laws of 1897, respecting tuition.
- Sec. 5. Amends section 3655 Compiled Laws of 1897, concerning diplomas.
- Sec. 6. Makes section 3693 Compiled Laws of 1897, applicable to the New Mexico Normal University. Condemning of land,
- Sec. 7. For reimbursing subscriptions advanced for the completion of the New Mexico normal school building at Las Vegas, \$19,300.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the name and title of the New Mexico Normal School at Las Vegas is hereby changed so that said institution shall hereafter be known and designated as "The New Mexico Normal University." Except as modified or amended by this act, all laws heretofore enacted, or appointments made touching the The New Mexico Normal School at Las Vegas are hereby made applicable to and continued in force as to the said New Mexico Normal University: and all rights, titles, interest, properties, privileges, grants, or donations which said New Mexico Normal School at Las Vegas now has, or to which it is now, or would have hereafter become entitled, shall hereafter belong to and inure to the benefit of the said New Mexico Normal University.

SEC. 2. There are hereby established as branches or departments of said New Mexico Normal University, to be carried on at Las Vegas, a school of manual training for the Territory of New Mexico, the object of which shall be to instruct pupils, and to train and

duty shall be, the same as county commissioners in regard to the appointment of boards of registration and election in the said County of McKinley, and whose duty it shall be to call and give notice of the holding of a general election at the time and in the manner now prescribed by law.

The said members of the said returning board, before entering upon the discharge of their duty shall take the oath of office before some officer qualified to administer oaths, as provided for county commissioners, and the said returning board when so appointed and qualified, as herein provided, shall have the same power and authority as to the receiving and canvassing and certifying of the returns of the general election to be held on the first Monday of November, 1900, for county officers of said county as is now conferred upon county commissioners of the several counties of this territory by law, and the members of the said returning board shall serve in such capacity without compensation for their services.

SEC. 4. That said county so established shall, with reference to the salaries of officers, be a county of the fourth class as defined in and provided for, in the act entitled [entitled] "An Act to provide for the compensation of county officers and for other purposes" approved March 18, 1897, and the salaries and emoluments of the officers of the said county shall be such as are in said act provided for officers of counties belonging to said fourth class.

SEC. 5. The precinct and school districts now existing in the territory included in such county, and the officials thereof shall remain the same as they now are until changed by law.

SEC. 6. For legislative purposes, the said County of McKinley is hereby attached to and made a part of the fifth council, and the ninth legislative district, and jointly, with the County of Bernalillo, shall elect one councilman and one representatives [representative] to the territorial legislature.

SEC. 7. The said County of McKinley is hereby attached to the second judicial district for judicial purposes, and district court for the trial of causes arising under the laws of the territory, shall be held therein, by the judge of said court at such times as may be prescribed by law.

SEC. 8. That the district attorney for the County of Bernalillo shall also be appointed for the said County of McKinley.

SEC. 9. The county commissioners of the county from which the said County of McKinley has been segregated and organized, on the first day of January, 1901, shall ascertain the total indebtedness of said county at that date, less cash on hand to pay such indebtedness, and shall ascertain as near as may be done from the assessment rolls of the year 1900, the value of all taxable property embraced in the territory of said county before the organization and formation of the said County of McKinley.

And on the first day of January, 1901, or as soon thereafter as practicable, the said county commissioners of the county from which the said County of McKinley has been segregated and organized, together with the county commissioners of said County of McKinley, shall meet and ascertain the proportion of the taxable property of the county from which the said County of McKinley has been organized, that has been taken from such county by the organization of said County of McKinley, and the said County of McKinley shall pay to the said county from which it was organized, its proportion or pro rata share of the indebtedness of said county on the first day of January, 1901, proportionate to the amount of taxable property taken from said county aforesaid by the organization of the said County of McKinley, less the value of moneys on hand in said county to pay indebtedness, or the value of any permanent public improvements in said county over and above such permanent public improvements taken into the said County of McKinley, and for this purpose the said County of McKinley may issue bonds in whatever sum may be necessary, said bonds to run for the period and become due and payable in twenty years from the date of their issuance; but payable at the option of said county at any time after the expiration of ten years, said bonds to be in the usual form, and in the sum of one hundred dollars or any multiple thereof; and the said bonds shall bear interest at the rate of six per cent per annum, until paid, interest payable semi-annually.

And the county commissioners of the said County of McKinley are required annually, when other taxes are levied and collected, to levy and cause to be collected upon all taxable property of said county a sum sufficient to pay said interest and such proportion of the principal as shall be necessary to pay said bonds at maturity, or sooner if it be elected to do so, as hereinbefore provided, and for the purpose of paying its share of the foregoing pro rata indebtedness.

The bonds authorized in this act shall specify for what purpose or account they are issued.

SEC. 10. This act shall be in full force and effect from and after the first day of January A. D. 1901, except as to the provision [provisions] thereof which require action at an earlier date, and as to such provisions it shall take effect on such earlier dates.

All laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER XX.

AN ACT TO PROVIDE FOR THE SALE OF PERSONAL PROPERTY UNDER PROCESS OF ANY OF THE COURTS OF THE TERRITORY OF NEW MEXICO AND UNDER CHATTEL MORTGAGES IN THE TERRITORY OF NEW MEXICO. *H. S. C. B. 29; Approved February 24, 1899.*

CONTENTS.

secs. 2360 et seq.

Sec. 1. Of notice and sale of personal property: amount of debt not exceeding \$300.

*c. 3113
L. 1897
c. 3110.
2 sec.
367, 64.
897.*

SECTION 1. That hereafter when personal property is to be sold under process of any of the courts of the Territory of New Mexico and under chattel mortgages it shall be sufficient to give notice of such sale by posting at least six handbills, or notices in writing, at six separate [separate] public places in the precinct where said sale is to be made describing the property to be sold and stating the character of the instrument under which the sale is to be made, the names of the parties thereto, the time and place of such sale, and the amount of the debt and costs to be satisfied; *provided however* that no sale shall be made under the provisions of this act where the debt to be realized exclusive of costs exceed the sum of three hundred dollars.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed whether the same be general or special, and this act shall take effect and be enforced [in force] from and after its passage.

CHAPTER XXI.

AN ACT TO COMPLETE AND FURNISH THE NEW MEXICO NORMAL SCHOOL, AT SILVER CITY. *H. B. 39; Approved February 24, 1899.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SECTION 1. For the purpose of completing the building of the New Mexico Normal School at Silver City and of providing suitable heating facilities, furniture and educational apparatus therefor, there is hereby appropriated [appropriated] the sum of five thousand dollars, which shall be paid by the territorial treasurer on the warrant of the territorial auditor to the board of regents of the said New Mexico normal school, from time to time, as fast as the money shall become available; and a tax sufficient to raise said sum shall be levied, conjointly with the levies of taxes authorized by law for other educational institutions of the territory, under the direction of

the territorial auditor, for the fiscal year 1899-1900, and collected as are other territorial taxes;

Provided, that if the moneys collected for said fiscal year shall fall short of the amount hereby appropriated, a tax shall in like manner be levied and collected for the following year to pay such deficiency.

SEC. 2. All acts in conflict herewith are hereby repealed, and this act shall take effect from and after the date of its passage.

CHAPTER XXII.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF TAXES IN THE TERRITORY OF NEW MEXICO. *C. B. 43; Approved March 1, 1899.*

CONTENTS.

- Sec. 1. Amends section 3956 of the Compiled Laws of 1897. Duties of probate clerk. Penalty.
- Sec. 2. Amends section 4032 of the Compiled Laws of 1897. Assessors' duty.
- Sec. 3. Amends section 2635 of the Compiled Laws of 1897. Failure of any county officer to conform tax roll to assessment. Penalty.
- Sec. 4. Amends section 4045 of the Compiled Laws of 1897. Description of lands assessed.
- Sec. 5. Amends section 4048 of the Compiled Laws of 1897. Action of Board of Equalization and auditor shall not be changed except by order of the court.
- Sec. 6. Amends section 4057 of the Compiled Laws of 1897.
- Sec. 7. Amends section 4015 of the Compiled Laws of 1897, concerning fiscal year.
- Sec. 8. Repeals section 1757 of the Compiled Laws of 1897, in relation to homesteads and exemptions from taxation.
- Sec. 9. Amends section 4002 of the Compiled Laws of 1897.
- Sec. 10. Amends section 4066 of the Compiled Laws of 1897. Penalties for non-payment of taxes. Of the enforcement.
- Sec. 11. Amends section 4067 of the Compiled Laws of 1897.
- Sec. 12. Amends section 4071 of the Compiled Laws of 1897. Credit each county with tax uncollected.
- Sec. 13. Repeals section 4058 of the Compiled Laws of 1897. Collectors of taxes shall report and turn over to county commissioners delinquent taxes, etc.
- Sec. 14. Repeals certain sections named of the Compiled Laws of 1897.
- Sec. 15. Of advertising delinquent taxes.
- Sec. 16. As above.
- Sec. 17. Duties of District Attorney in bringing suit for delinquent taxes.
- Sec. 18. Duties of the court in proceedings for the collection of delinquent taxes.
- Sec. 19. Taxes levied and assessed shall be a lien upon real estate and personal property from March 1st.
- Sec. 20. Five per cent. added upon amount of judgment. When collected placed to the credit of court fund.
- Sec. 21. Of appeals and judgments on appeal.
- Sec. 22. Of the sale of property for delinquent taxes.
- Sec. 23. Collector shall issue certificate of sale. Must be recorded. Right of redemption.

- Sec. 24. On sale of personal property for delinquent taxes, title shall vest in purchaser at once.
- Sec. 25. Duty of owner of property to list same for taxation as of March 1st. Not void on account of certain irregularities. When perfect title vests.
- Sec. 26. Sale of tax certificates. No fees upon sale of property delinquent to county.
- Sec. 27. Land sold for delinquent taxes subject to taxation. Transfer of tax certificates must be noted in record.
- Sec. 28. Deeds may include more than one tract. Fees.
- Sec. 29. Of proceedings against property listed to unknown owners.
- Sec. 30. Personal property brought into the territory prior to first Monday in June subject to taxation.
- Sec. 31. Of the collection of delinquent taxes less in amount than \$25.
- Sec. 32. Of the listing and assessment of sheep.
- Sec. 33. Of officers failing in official duties. Penalty.
- Sec. 34. Validity of delinquent taxes determined by law in force at date of making assessment. Payment of delinquent taxes extended to May 1, 1899.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 3956 of the Compiled Laws of 1897, is hereby amended by adding thereto the following words:

"And the probate clerk shall at once notify the assessor, in writing, of the filing of such conveyance, the date thereof, the names of the grantor and grantee, the description by metes and bounds, if possible, of the property conveyed, and the date of recordation, which notice shall be given without charge therefor; and the assessor shall file such notice with the papers in his office, relating to the precinct in which said property is located and be guided thereby in making his assessments against the real owner of the property; and any failure or neglect on the part of the probate clerk or assessor to comply with the provisions of this section, shall be and constitute a misdemeanor; and the officer so failing or neglecting shall be punished, upon conviction thereof, by a fine not exceeding five hundred dollars.

SEC. 2. That section 4032 of the Compiled Laws of 1897, is hereby amended by adding thereto, the following words:

"And such assessor shall file with the lists of each precinct his affidavit, stating the time when he visited such precinct, how long he remained there attending to his official duties, together with a list of the persons assessed and that each such assessment was made from the original lists and personal knowledge, and not taking [taken] from any previous list.

SEC. 3. That section 2635 of the Compiled Laws of 1897, be amended by adding after the word "particular" in the seventeenth line of such section the following words:

"And any failure on the part of any county officer to amend and conform the tax roll or assessment lists to the valuation contained in such certificate shall be and constitute a misdemeanor and the person or persons so offending shall upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

SEC. 4. That section 4045, of the Compiled Laws of 1897, be amended by adding thereto the following words:

"And such lands shall be designated on the assessment lists according to their character as nearly as possible, as agricultural, grazing, coal, saline, mineral, timber and town, village or city lots; and in the case of tracts containing more than one class of lands, the number of acres in each class shall be stated, and its value assessed in accordance with its character.

SEC. 5. That section 4048 of the Compiled Laws of 1897, be amended by adding thereto, the following words:

"And under no circumstance shall the assessed value or levy or amount to be paid as taxes, as fixed by the board of county commissioners, sitting as a board of equalization, or as finally determined and certified by said territorial board of equalization and by the auditor, be altered, reduced, abated, rebated, or in any other manner or by any means or device, be changed by any board, officer or person, except by direction of a competent court in a proper proceeding; and any person or members of any such board violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding five hundred dollars.

SEC. 6. That section 4057, of the Compiled Laws of 1897, be amended by striking out in the fifth line from the end of the section the words "abated or" and by inserting after the word "taxes" and before the word "due," in the sixth line from the end of said section, the words "properly and lawfully assessed."

SEC. 7. That section 4015 of the Compiled Laws of 1897, be amended by adding thereto, the following:

"The 50th fiscal year shall begin on the first Monday of March, 1899, and end on the 31st day of August, 1900, and thereafter each fiscal year shall commence on the first day of September in each year."

SEC. 8. That section 1757 of the Compiled Laws of 1897, is hereby repealed and in lieu and stead thereof is enacted the following:

"That there shall be exempt from taxation for territorial, county and school purposes a family homestead actually owned, occupied and used as such by the head of the family residing in this territory, to the amount in value of two hundred dollars, provided that any person making claim for exemption must list the property for taxation and before any such exemption shall be granted the claimant must make oath before the assessor as to its true market value and further swear that he is the head of a family residing in this territory, it being the true intent and meaning of this section to exempt from taxation only real estate and improvements thereon, actually occupied and used as a homestead by bona fide residents.

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heads of families of this territory, to the extent of two hundred dollars of the value thereof, and all values of any such homestead in excess of such two hundred dollars shall not be exempt. All wearing apparel of every individual of this territory shall be exempt from taxation: *Provided, further*, that any head of a family claiming the benefits of this section who shall in any manner assign, transfer or set over any part or portion of his homestead reality so as to divide the same up between different persons, being heads of families, for the purpose of distributing its value between such persons and thereby rendering any portion of it below two hundred dollars in value so that more than one homestead exemption may be claimed in such homestead realty, such person shall not receive the benefits of this section, but the whole of such homestead shall be assessed at double its actual value and he shall be compelled to pay taxation thereon without the benefits of any exemption therefrom.

“Provided, further, That in the event any head of a family residing in this territory should not be the owner of any real estate as a homestead as aforesaid, exempt under the provisions of this section, then he shall be entitled to an exemption out of the following property, not exceeding however, in value, the sum of two hundred dollars, to-wit: Farming implements, wagons, one team, either of horses, mules, burros, or one yoke of oxen, or one milch cow, or he may have such exemption in the absence of such personal property, out of goats, household or kitchen furniture; it being the intention and meaning of this proviso in the event the homestead real estate herein mentioned does not equal in value said two hundred dollars, the remaining part of the exemption to which such head of a family may be entitled shall be allowed out of the personal property herein described, such exemption of personal property to be claimed in the same manner as is provided hereinbefore for the exemption of real estate.”

SEC. 9. That section 4062 of the Compiled Laws of 1897, be hereby amended by striking out all the words beginning with the word “between” in line five of the said section, and ending with the word “year” in the sixth line of said section, and inserting in lieu thereof the words “within six months from said first day of January;” and also by striking out from said section all the words after the word “distrain” in line twelve of said section, down to the word “provided” in line seventeen of said section.

SEC. 10. That section 4066, of the Compiled Laws of 1897 be amended so that the same shall read as follows:

“On the first day of January in each year, half of the unpaid taxes for the year last past and on the first day of July in each year the remaining half of the unpaid taxes for the year last past shall become delinquent, and there shall be added on the second day of

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sec. 11.

January and July, one per cent of the amount of such delinquent taxes as a penalty for non-payment. And unless said taxes shall be paid on or before the first day of the following month, the collector shall add an additional penalty of four per cent of the amount of such delinquent taxes, and upon the happening of the first delinquency above provided for, the collector shall immediately notify the delinquent taxpayer in writing, either personally or by mail of such delinquency and of the fact that one per cent penalty has been added to his tax, giving the amount then due, and that unless said taxes and penalty be paid before the first day of the following month, an additional penalty of four per cent will then be added, and in no case shall such penalty be released, abated, rebated, or reduced by any person, but it shall have the full force and effect of the original tax, and become part of the same, and any failure on the part of the collector to add such penalty and collect the same, shall subject him to removal from office, and to pay double the amount of such penalty; one-half thereof to the county current expense fund, and one-half to the territorial interest fund, which amounts shall be collected from him and the sureties on his bond, and he may be removed from office therefor by the board of county commissioners. *Provided*, that proof of the giving or mailing by the collector of notice of delinquency mentioned in this section or the proof of the receipt of such notice by the tax payers shall not be necessary to the imposition and collection of the penalties hereby created.

SEC. 11. That Section 4067 of the Compiled Laws of 1897, be amended by striking out the word "interest" therein, and inserting the word "penalty" as provided in the preceding section.

SEC. 12. That section 4071 of the Compiled Laws of 1897, be amended to read as follows:

"The territorial auditor shall credit each county with the amount of territorial tax uncollectable upon the certificate thereof, under oath of the district attorney for the county in which the tax was assessed, and shall also credit each county with the amount of such tax that may have been refunded to the tax payer or purchaser of real estate erroneously sold, upon receiving a certified copy of the order of the county commissioner allowing such refund.

SEC. 13. That section 4058 of the Compiled Laws of 1897, is hereby repealed and in lieu and stead thereof is hereby enacted the following:

"No sheriff nor collector shall turn over to his successor, any delinquent or uncollectible taxes; but all delinquent or uncollectible taxes and unpaid licenses in his hands, shall be reported by him to the board of county commissioners in detail at the time of his final settlement; it being the true intent and meaning of this section, that each sheriff and collector shall only be charged, with the

tax roll, and licenses for the year in which they are made, and that he shall not be charged with any such tax roll or licenses of his predecessor."

SEC. 14. That sections 649, 2573, 2588, 4074, 4075, 4076, 4081, 4082, 4083, 4084, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4098, 4099, 4102, 4105, 4106, 4107, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, and 4117, of the Compiled Laws of 1897, are hereby repealed.

SEC. 15. Within ninety days after any tax shall become delinquent, as now provided by law, it shall be the duty of the collector of the county in which such tax is payable to prepare and cause to be published in the official newspaper of said county, or if there be no newspaper published in the county, then the publication may be made in some territorial newspaper of general circulation in said county, in which event the collector shall also cause notices to be posted in front of the court house in said county containing a copy of said publication, a list containing the names of the owners of all property upon which the taxes, amounting to not less than \$25, have become delinquent, together with a description of the property, and the amount of taxes, penalties and costs due, opposite each name and description together with a separate statement of the taxes due on personal property, where the several taxes are due from the same owner or owners, and the year or years for which the same are due. "The tax collector must append and publish with the delinquent tax list a notice that he will apply to the district court held in and for said county upon the next return day thereof, which date shall be specified in said notice, occurring not less than thirty days after the last publication of said notice as herein provided, for judgment against the lands, real estate and personal property described in said list, together with costs and penalties, and for an order to sell the same to satisfy such judgment; and shall also give notice in such advertisement that he will within thirty days, after the rendition of judgment against property described in such list, and after having given notice by a hand bill posted at the front door of the building in which the district court for said county is held, at least ten days prior to the day of sale, offer for sale at public auction in front of said building, the real estate and personal property described in said notice, against which judgment may be rendered for the amount of taxes, penalties and costs due thereon. And the advertisement published according to the provisions of this section, shall be deemed to be sufficient notice to the persons firms or corporations, mentioned in said list, of the intended application for judgment and of the sale of lands and personal property under an order of said court.

"The said delinquent tax list and notice shall be published not less than once each week for the period of four consecutive weeks,

the last publication to be not less than thirty days prior to the return day named in said notice; the whole of the advertisement shall be contained in each ed[i]tion of such newspaper, and supplement, if such sup[p]lement be necessary; *Provided* that the tax collector may subsequently advertise and obtain judgment in the same manner for the sale of any land, real estate or personal property that may have been omitted or erroneously advertised or described in the first advertisement."

SEC. 16. If by neglect of the officer to make returns or from any other good cause real estate can not be duly advertised and offered for sale within the time prescribed in this act, such advertisement and sale may be made and had at any other time; and the officer so advertising shall set out in the advertisement the reasons for such delay.

SEC. 17. Upon the completion of the publication and notice, the district attorney for the county shall file a complaint in the district court, entitling the cause substantially as follows: "Territory of New Mexico against the persons, real estate, land and property described in the delinquent tax list of the county of, for the year". Which complaint shall set forth the fact of the preparation and publication of the said delinquent tax list and notice, a copy of which shall be attached to the said complaint and made a part thereof; and shall ask judgment and decree of said court against the property and persons described in said list, and that the lien upon said property be foreclosed, and for an order of sale of said property to satisfy said judgment. The delinquent list shall be prima-fac[i]e evidence that the taxes therein listed are due against the property and from the persons described therein. Upon said publication and advertisement being made and the filing of said complaint, together with the affidavits showing the publication as required by law, the said district court shall acquire full and complete jurisdiction over the lands, real estate and property described and contained in said delinquent tax list, for all purposes necessary in order to carry out the objects and intent of this act: tion as required by law, the said district court shall acquire full and complete jurisdiction over the lands, real estate and property described and contained in said delinquent tax list, for all purposes necessary [necessary] in order to carry out the objects and intent of this act: *Provided*, That no separate suit under the provisions of this act shall be brought against individuals or their property, unless it shall be made to appear to the judge of the district court where the property may be situated that a separate suit is necessary, [necessary] in which case the judge may authorize such separate suits by an order in writing. *Provided, further*, That whenever in the opinion of the district attorney it may be necessary so to do, and preliminary to a personal judgment against any person, co-partnership or cor-

poration owing delinquent taxes, the clerk of the court shall upon the request of such district attorney issue a summons to such person copartnership or corporation entitled in the cause, as provided in this section, which summons shall be in all other respects in the form and served [served] in the manner and of the same force and effect as prescribed by the Code of Civil Procedure for summonses in civil actions, and the court shall thereupon be authorized and empowered to render a personal judgment against such person, copartnership or corporation upon whom service of summons may have been had, and to issue execution thereon.

SEC. 18. The court shall examine said delinquent tax list and shall order judgment to be entered up for the amounts stated therein, together with penalties, interest and costs, against all property therein listed, the owners of which have interposed no defense to said action, and personal judgment against the owners thereof where such owners have been served with process as provided in section 17 of this act; and if defense be offered by any person interested in any of said property specifying in writing the particular grounds of such defense, the court shall hear and determine in the matter, and shall pronounce judgment as the right of the case may be.

The court shall give judgment for such taxes penalties, interest and costs, as shall appear to be due, which judgment shall be construed as a several judgment against each parcel of property or part thereof assessed against each individual or person respectively for each item of taxes assessed against him included in such delinquent list, together with the penalties, interest and costs thereon, and against the owners thereof in case of personal service upon them; and the court shall direct the clerk to issue an order directing the tax collector of said county to sell at public auction, as provided in section 23 of this act, all the property included in said delinquent tax list, upon which judgment is given; which order shall be substantially in the following form:

"To the collector of taxes for the County of, Territory of New Mexico." Greeting: Whereas judgment has been rendered against such of the property mentioned and described in the delinquent tax list for said county for the year, as is included in the copy of said judgment hereto attached, for the taxes, penalties, interest and costs due and unpaid thereon, in favor of the Territory of New Mexico for the amounts set opposite each description in the said copy of judgment, you are hereby commanded to sell at public sale, as provided by law, the said property, or so much thereof as shall be necessary [necessary] to satisfy the amount of taxes, penalties, interest and costs, for which judgment has been given against each lot or parcel of property respectively."

Which order shall be signed by the judge. Judgment may be

entered up and an order of sale issue against all the property as to which no defense has been interposed and the action may proceed against those persons and the property as to which such defense has been made, until final determination of the cause as to each lot or parcel of property described in said list, at which time or times other judgments and orders shall be entered up and issued until all of the matters involved in said action shall be finally disposed of.

In such proceedings all amendments may be made which by law could be made in any civil action pending in such court, and no assessment, valuation or tax, shall be construed illegal on account of any irregularity of assessment rolls or tax list either as to the amount, or time of levying or listing the same, or on account of any error or informality as to the description, or in the proceeding of any of the offices connected with the levy and assessment of the taxes delinquent, but the court may determine the amount of tax legally due upon the property described. And any such error omission or defective act of any officer or officers connected with the levying and assessment of such taxes may be, in the discretion [discretion] of the court, corrected and supplied and made to conform to law by order of the court; *Provided*, that whenever it shall appear to the court that any property has been listed in the name of the wrong person or persons or that there is an error or defect in the proceedings of the officer or officers making the assessment, or that there is such defect or error in the description of the property so that a proper judgment cannot be entered thereon, then the same shall be referred back to the assessor who shall immediately [immediately] proceed to re-assess the property for the same year by correcting the errors and defects in the assessment and description found by the court.

SEC. 19. Taxes levied and assessed against real estate shall be a lien thereon from the first day of March of the year for which such tax may be levied. Taxes assessed against and levied upon personal property for any year shall be a lien thereon from the first day of March of the year for which the same are assessed until the taxes thereon have been fully paid, and shall be payable in the county in which said property was situated on said day, except as hereinafter otherwise provided, and in all cases taxes assessed and levied against real or personal property shall be deemed a personal obligation of the person in whose name the property was assessed and personal judgment shall be rendered against him therefor. *Revised 2, 1901, p. 165, Chap. 8*

SEC. 20. In entering up judgment in all such cases, the clerk shall add to the amount of tax, penalties and costs, as shown by such delinquent tax list, five per centum of the amount due from each person, or upon each lot or parcel of property described, which five per centum shall be the costs of such proceedings, and when collected shall be paid over to the treasurer of said county for the credit of the court fund.

SEC. 21. Appeal from the judgment of the court may be taken to the supreme court of the territory, upon the party taking such appeal executing a good and sufficient bond to the Territory of New Mexico, to be approved by the court in a sum not less than double the amount of the judgment rendered and the probable costs in the appellate court, conditioned that the appellant will prosecute [prosecute] his said appeal with effect and will pay the amount of any judgment, interest and costs which may be finally adjudged against him or the property involved in the appeal: *Provided*, that the district attorney of any county may appeal in behalf of the board of county commissioners of such county without giving such bond. In all cases of appeal to the supreme court, said court may render judgment against all of the property, or any part thereof, involved in the appeal for the amount of tax with interest, penalties and costs, which may be found to be legally charged against the same; and may either remit the amount of any tax found to be illegally charged, or may reverse so much or such part of the judgment of the district court, as may relate to the tax or charge so illegally levied or made, and remand the same to the lower court that other proceedings may be had thereon; and in a proper case render such judgment as the district court should have rendered. When such appeal shall finally be determined, the clerk of the district court shall deliver to the tax collector a certified copy of such final judgment or decree, together with an order for the sale of the property chargeable with the amount of said judgment, or an execution against the property of the person against whom such judgment or decree is rendered. And it shall be the duty of the collector to proceed to sell such property or sufficient thereof to realize the amount of such judgment and costs, or to levy said execution in the manner now provided by law for levying executions issued in civil actions before the district court. Upon the dismissal of any such appeal the clerk shall issue an order of sale for the property involved therein, or judgment and execution in the same manner as hereinbefore provided in case of judgment rendered upon such appeal. In all cases of appeal it shall be the duty of the clerk of the supreme court to make and deliver to the clerk of the district court of the county from which such appeal was taken, a record of the proceedings thereon, as in other cases of appeals from the district court; and upon presentation of such certified record the district court shall render judgment thereon as directed by the supreme court.

SEC. 22. The collector in person, or by deputy, shall attend at the court house in his county on the day specified in notice of sale of property for taxes and shall, between the hours of ten o'clock in the forenoon and four in the afternoon, offer for sale, separately, and in consecutive order, each parcel of property included in the list attached to the order of sale, or so much thereof as may be necessary [nec-

essary] to realize the respective amounts due. The sale shall be continued from day to day until all the property described in the order of sale shall be sold, or until the amounts due shall be paid or realized: *Provided*, The same must be completed within sixty days after the commencement thereof, and the collector shall return the said order of sale, with a statement of his acts and doings endorsed thereon to the clerk of the district court, who shall file the same in his office. The collector shall be entitled to the same commission upon the money so realized as upon tax collections except that he shall turn over to the court fund the whole of the five per cent mentioned in section 20 of this act, as the costs of suit.

In case any property ordered to be sold be in too large a tract or tracts to be conveniently sold, the said collector shall offer the smallest tract in acres for which any one shall bid the amount of the tax and penalty, such tract to be as nearly as may be a square body beginning at the northeast corner of the whole tract. In case the property sold shall realize more than enough to pay the amount due, the surplus shall be paid over by such collector, to the owner of such property. Each [each] lot or parcel of property offered for sale shall be struck off to the best [highest] bidder for cash: but if there should be no purchaser, in good faith, for the same on the first day, the property is offered for sale, when the property is thereafter offered for sale, and there is no purchaser in good faith bidding upon the same, the whole amount of the property assessed shall be struck off to the county as the purchaser, and the duplicate certificate delivered to the county treasurer and filed by him in his office, after having the same recorded in the office of probate clerk of said county. No charge shall be made for issuing duplicate certificate, or for filing and recording the same when the county is the purchaser. And the collector shall make an entry "sold to the county" on the tax roll opposite the tax and shall be credited with the amount thereon in his settlement.

SEC. 23. If a purchaser does not pay the amount of his bid before ten o'clock of the day succeeding the sale the property shall be re-offered for sale and the bid of any person so refusing to make any such payment shall not be received on the re-sale of said property. After receiving the amount for which any real estate shall be sold, the collector shall execute and deliver to the purchaser thereof a certificate of sale containing a description of the property sold and stating the name of the person or persons against whom the same was assessed, or that the same was assessed against unknown owners, as the case may be, the amount paid therefor, that it was sold for taxes, the amount and for the year or years for which the taxes were assessed, the amount of interest, penalties and costs, the date of sale, and the consideration or amount so paid therefor at such sale, that the collector, by virtue of the authority vested in him by law, has sold and does convey said real estate to said purchaser, his heirs and

assigns, subject to the right of the former owner to redeem the same within three years from date of sale by paying to the purchaser, his heirs or assigns, the amount paid therefor at such sale with interest thereon at the rate of one and one-half per cent per month from date of sale. Such certificate must be recorded in the office of the probate clerk of such county, in a book to be kept for the purpose of recording such certificates and when so recorded, shall vest in the purchaser, his heirs or assigns, a complete legal title to the real estate described therein subject, however, to redemption as herein provided, and such property shall thereafter, unless redeemed, be assessed in the name of the purchaser, or his assigns, but the former owner shall have the right to redeem the same at any time within three years from the date of sale by paying to the collector then in office for the use of the purchaser the amount of purchase money with interest at the rate of one and one half per cent per month from date of such sale, together with any taxes that may have been paid upon such real estate by the purchaser and assignees with interest thereon at the same rate; and such former owner may retain possession of said real estate until redeemed, or until the time of redemption has expired.

The collector shall keep a book of sale containing the date of sale, description of the property sold, name of purchaser and amount for which sold. Upon the redemption of any property sold or herein provided, the collector shall enter the fact of such redemption upon his book of sales, and shall issue to the person redeeming a certificate of redemption describing the property and giving date of redemption and amount paid, upon the production of such certificate of redemption the probate clerk shall mark the word "redeemed" with the date of redemption and by whom redeemed, on the margin of the page where the record of such certificate of sale is made and from the date of such redemption when so made, and noted, the certificate of sale shall be deemed cancelled and annulled [annulled].

Any final judgment for the sale of such real estate for delinquent taxes rendered in accordance with the provisions of this act shall estop all parties from raising any objection thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment or decree and could have been presented as a defence in such action in a court wherein the same was rendered, and as to all such questions the judgment shall be conclusive evidence of its regularity and validity in all collateral proceedings: except in cases where the taxes had been paid, or the real estate was not liable to the tax or assessment. Counties purchasing at tax sales shall be deemed purchasers within the meaning of this act.

SEC. 24. In case of the sale of personal property under the provisions of this act, the title to the same shall immediately vest in

the purchaser without any right of redemption to the former owner, and the certificate shall be filed in the office of the probate clerk.

SEC. 25. It is hereby made the duty of every person, firm or corporation, owning or having any interest, legal or equitable, in any real estate or other property, in this territory, on the first day of March of any year, to see that such property is properly listed for taxation on the assessment roll for such year in the county in which the same is situated; and if such property is described in the assessment roll and delinquent tax list for any year by such description as will serve to identify [identify] the same, the sale of such property for taxes as provided in this act shall not be void or set aside on account of any error or irregularity in listing the same upon such roll or list either as to the name or names of the owner or owners thereof, or by reason of its being listed in the name of the wrong person; and no bill of review or other action attacking the title to any property sold at tax sale in accordance with this act shall be entertained by any court, nor shall such sale or title be invalidated by any proceedings except upon the ground that the taxes, penalties, interest and costs, had been paid before the sale, or that the property was not subject to taxation. In case any tract or legal sub-division of real estate, be sold as hereinbefore provided, upon a part of which the taxes had been paid, such sale and certificate shall nevertheless vest a complete and perfect title in the purchaser and his assigns to such portion of said tract or sub-division upon which the taxes had not been paid.

SEC. 26. In case any property shall be bid in by the county, as provided in section 22, the duplicate certificate of such sale shall be sold by the tax collector to any person who shall pay the face value thereof with accrued interest; and if the same cannot be sold at private sale within one year from the date of such certificate, all the said certificates shall be sold at public auction to the highest bidder for cash, by the collector or his successor in office at the time of making sales of property for delinquent taxes for the succeeding year: *Provided*, That no fees under this act shall be paid to the assessor, collector or district attorney in case of sales to any county, until the money shall be realized by the sale of certificates or redemption of the property. *Amended Sec. 1.*

SEC. 27. All real estate so sold shall be assessed for the succeeding year, in the name of the purchaser or his assign, if the name of such assignee be known; and it shall be the duty of every such purchaser upon making an assignment of said certificate to cause the same to be noted upon the page of the book in which such certificate is recorded in the office of the probate clerk. *Amended L. 1901, p. 26, sec. 1.*

SEC. 28. A collector may include more than one parcel of land in a deed executed and delivered to any purchaser or person holding

more than one certificate of sale; and the collector shall be entitled to a fee of one dollar for each deed to be paid by the grantee.

SEC. 29. When any property is listed upon the assessment roll as the property of unknown owners, the same proceedings shall be had as provided for in this act against the property of known owners and the judgment rendered shall be against the property as listed.

SEC. 30. In case any live stock or other personal property be brought into the territory after the first day of March of any year, and before the first Monday in June of such year, it shall be subject to taxation in this territory for such year and shall be assessed by the assessor [assessor] in the same manner as other property.

SEC. 31. In all cases where the delinquent taxes due amount to less than twenty-five dollars, it shall not be necessary [necessary] for a collector to include in the publication hereinbefore provided the notice for application to the district clerk for judgment, but it shall be the duty of the said collector upon such taxes becoming delinquent on the second day of January of each year, to advertise the property on which taxes are levied in some newspaper of general circulation as hereinbefore provided to be sold on the first Monday of May thereafter in the manner hereinbefore provided and upon all taxes becoming due and delinquent on the second day of July of each year, the property on which tax is levied shall be advertised to be sold in the same manner on the first Monday of November thereafter. The collector shall issue to any purchases [purchaser] under the provisions of this section a certificate of sale in the same manner as hereinbefore provided for the issuance of certificate and the said certificate shall have the same force and effect as certificates issued in sales on judgments or executions hereunder[.] The collector may continue the sale of property hereunder from day to day not to exceed sixty days, until all of said property has been disposed of. But this section shall not relieve the collector of the duty of collecting the taxes by distraint and sale of personal property as provided in section[s] 4062, 4063, 4064, and 4065 of the Compiled Laws of 1897.

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SEC. 32. All sheep owned by residents of this territory shall be listed and assessed in the county wherein the owners reside; the owner of such sheep shall make a statement under oath to the assessor of the kind and number of sheep owned by him, the county or counties in which the same are grazing, the assessor of the county wherein said owner resides shall furnish the owner a certificate of the number and location of the sheep so listed and assessed, and upon presentation of such certificate to the assessor of any other county the sheep so appearing to have been assessed, shall be exempt from further assessment, in such other county, but in case such certificate is not presented to the assessor of any county wherein the sheep are found or if any number of sheep should be omitted from

the assessment shown by such certificate then it shall be lawful for the assessor of the county wherein such sheep are found to assess the same or any number thereof, not shown by such certificate to be already lawfully assessed, and the taxes thereon shall be paid in the county where such last mentioned assessment is made: *Provided*, that the provisions of this action shall not apply to sheep of owners not bona fide residents of this territory, and all sheep owned by non-residents shall be assessed in the manner provided for the assessment of personal property.

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SEC. 33. That any officer referred to in this act who shall fail or omit to perform any of the official duties herein prescribed shall be deemed guilty of a misdemeanor in office, for which he may be presented before the judge of the district court within whose district such offense is alleged to have been committed, upon affidavit of any tax-payer, which affidavit shall state the facts constituting such neglect of duty in a concise manner, and the officer charged shall be served with a copy thereof, together with a citation to appear before said judge in not less than five days from the date of service of such citation, to make his defense to such accusation. The district judge shall proceed to hear the proof adduced by the accuser and the defendant in a summary manner, and if the accusation shall be found by the judge to be true and sustained by sufficient proof, he shall render judgment against the accused, removing him from office, and his office shall there upon become vacant, and the judgment so rendered shall in no event be appealed from; and the vacancy thus caused shall be filled by the board of county commissioners in the county in which it occurred, except where the county commissioner or district attorney may be removed, in which event, only, the governor shall fill such vacancy.

SEC. 34. All acts or parts of acts in conflict herewith, either general or special, are hereby repealed, and this act shall take effect and be in force from and after its passage: *Provided*, That the provisions of this act shall not affect or be applicable to taxes heretofore assessed or which are delinquent at the date of the approval hereof, except, that suit for the same may be brought and judgments thereon rendered in the manner provided by this act, but the validity of such delinquent taxes shall be determined by the law in force at the time of making the assessment therefor. The time for the payment of all taxes now delinquent is hereby extended until May 1, 1899, and when the same may be in litigation at the date of the passage of this act until such litigation shall be determined.

CHAPTER XXIII.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO CREATE THE COUNTY OF OTERO AND PROVIDE FOR THE GOVERNMENT THEREOF AND TO READJUST THE BOUNDARIES OF CHAVES COUNTY, AND FOR OTHER PURPOSES," APPROVED JANUARY 30, 1899. *H. B. 65; Approved March 1, 1899.*

CONTENTS.

Sec. 1. Collection and division of taxes.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 9 of an act entitled "An Act to create the County of Otero and provide for the government thereof and to readjust the boundries [boundaries] of Chaves county, and for other purposes," approved January 30, 1899, be and the same is hereby amended to read as follows:

Section 9: All of the unassessed and uncollected taxes and licenses upon property or business situate within the boundaries of the counties of Otero and Chaves as hereby created and changed, no matter by which county levied and assessed, shall be collected by proper officer of the County of Otero and Chaves respectively, but that portion thereof levied and assessed previous to the year 1898 shall be paid by the officer collecting the same, less cost of collection, to the county in which the property upon which the same was assessed was situated prior to the time of the passage of the act of which this is an amendment, and that portion thereof assessed and levied in 1898, shall belong to the counties of Otero and Chaves respectively and become part, when collected, of the current expense, court and school funds thereof, and there shall be the same right and procedure for the collection thereof as is provided by law for the collection of taxes.

SEC. 2. This act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER XXIV.

MEMORANDUM—This Act appears with certain corrections as Chapter XXV.

(Signed)

SEC'Y NEW MEXICO.

AN ACT TO AMEND SECTIONS 5, 8, AND 13, OF SECTION 867 OF THE COMPILED LAWS OF 1897, SAID SUB-SECTIONS BEING SECTIONS 5, 8, AND 13, OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE COMPENSATION OF COUNTY OFFICERS AND FOR OTHER PURPOSES," APPROVED MARCH 18, 1897. *H. B. 27; Approved March 1, 1899.*

CONTENTS.

- Sec. 1. Fixes salary of probate judges.
Sec. 2. Compensation of assessors.
Sec. 3. Salary and mileage of county commissioners.
Sec. 4. Salary of county school superintendents.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That sub-section 5 of section 867 of the Compiled Laws of 1897, be and the same is hereby amended to read as follows:

The probate judges of the several counties of this territory shall receive the following compensation:

- In counties of the first class \$600.00 per annum.
- In counties of the second class \$300.00 per annum.
- In counties of the third class \$200. per annum.
- In counties of the fourth class \$150.00 per annum.

SEC. 2. That sub-section 8 of section 867 be and the same is hereby amended to read as follows:

The county assessors of the several counties of this territory shall be allowed for their services, four per cent upon all moneys collected upon assessments made by them, and no more under any circumstances whatever, to be paid out of moneys collected on their assessments.

SEC. 3. That sub-section 13 of section 867 of the Compiled Laws of 1897, is hereby amended to read as follows:

The county commissioners of the several counties of this territory shall receive the following compensation:

- In counties of the first class \$500.00 per annum.
- In counties of the second class, \$300.00 per annum.
- In counties of the third class \$200.00 per annum.
- In counties of the fourth class \$150.00 per annum;

And mileage in counties of all classes at the rate of five cents for each mile actually and necessarily traveled in going to and from

CHAPTER XXIII.

AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO CREATE THE COUNTY OF OTERO AND PROVIDE FOR THE GOVERNMENT THEREOF AND TO READJUST THE BOUNDARIES OF CHAVES COUNTY, AND FOR OTHER PURPOSES," APPROVED JANUARY 30, 1899. *H. B. 65; Approved March 1, 1899.*

CONTENTS.

Sec. 1. Collection and division of taxes.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 9 of an act entitled "An Act to create the County of Otero and provide for the government thereof and to readjust the boundries [boundaries] of Chaves county, and for other purposes," approved January 30, 1899, be and the same is hereby amended to read as follows:

Section 9: All of the unassessed and uncollected taxes and licenses upon property or business situate within the boundaries of the counties of Otero and Chaves as hereby created and changed, no matter by which county levied and assessed, shall be collected by proper officer of the County of Otero and Chaves respectively, but that portion thereof levied and assessed previous to the year 1898 shall be paid by the officer collecting the same, less cost of collection, to the county in which the property upon which the same was assessed was situated prior to the time of the passage of the act of which this is an amendment, and that portion thereof assessed and levied in 1898, shall belong to the counties of Otero and Chaves respectively and become part, when collected, of the current expense, court and school funds thereof, and there shall be the same right and procedure for the collection thereof as is provided by law for the collection of taxes.

SEC. 2. This act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER XXIV.

MEMORANDUM—This Act appears with certain corrections as Chapter XXV.

(Signed)

SEC'Y NEW MEXICO.

AN ACT TO AMEND SECTIONS 5, 8, AND 13, OF SECTION 867 OF THE COMPILED LAWS OF 1897, SAID SUB-SECTIONS BEING SECTIONS 5, 8, AND 13, OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE COMPENSATION OF COUNTY OFFICERS AND FOR OTHER PURPOSES," APPROVED MARCH 18, 1897. *H. B. 27; Approved March 1, 1899.*

CONTENTS.

Sec. 1. Fixes salary of probate judges.

Sec. 2. Compensation of assessors.

Sec. 3. Salary and mileage of county commissioners.

Sec. 4. Salary of county school superintendents.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That sub-section 5 of section 867 of the Compiled Laws of 1897, be and the same is hereby amended to read as follows:

The probate judges of the several counties of this territory shall receive the following compensation:

In counties of the first class \$600.00 per annum.

In counties of the second class \$300.00 per annum.

In counties of the third class \$200. per annum.

In counties of the fourth class \$150.00 per annum.

SEC. 2. That sub-section 8 of section 867 be and the same is hereby amended to read as follows:

The county assessors of the several counties of this territory shall be allowed for their services, four per cent upon all moneys collected upon assessments made by them, and no more under any circumstances whatever, to be paid out of moneys collected on their assessments.

SEC. 3. That sub-section 13 of section 867 of the Compiled Laws of 1897, is hereby amended to read as follows:

The county commissioners of the several counties of this territory shall receive the following compensation:

In counties of the first class \$500.00 per annum.

In counties of the second class, \$300.00 per annum.

In counties of the third class \$200.00 per annum.

In counties of the fourth class \$150.00 per annum;

And mileage in counties of all classes at the rate of five cents for each mile actually and necessarily traveled in going to and from

the meetings of the board [,] *Provided* [,] that the meetings of said board shall not exceed twelve in number in each year.

SEC. 4. The county school superintendent of the several counties of this territory shall receive the following compensation :

In counties of the first class \$1,500.00 per annum each.

In counties of the second class \$900.00 per annum each.

In counties of the third class \$400.00 per annum each.

In counties of the fourth class \$300.00 per annum each.

SEC. 5. This Act shall take effect from and after its passage and all laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER XXV.

AN ACT TO AMEND SECTIONS 5, 8, 13 AND 4. OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE COMPENSATION OF COUNTY OFFICERS AND FOR OTHER PURPOSES," APPROVED MARCH 18, 1897, BEING CHAPTER 60 OF THE SESSION LAWS OF 1897. *H. B. 27, as corrected by H. J. R. 6; Approved March 1, 1899.*

CONTENTS.

Sec. 1. Fixes salaries of probate judges.

Sec. 2. Compensation of assessors.

Sec. 3. Salary and mileage of county commissioners.

Sec. 4. Salary of county school superintendents.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 5 of chapter 60 of the session laws of 1897, be and the same is hereby amended to read as follows :

The probate judges of the several counties of this territory shall receive the following compensation :

In counties of the first class \$600 per annum.

In counties of the second class \$300 per annum.

In counties of the third class \$200 per annum.

In counties of the fourth class \$150 per annum.

SEC. 2. That section 8 of chapter 60, session laws of 1897, be and the same is hereby amended to read as follows :

The county assessors of the several [several] counties of this territory shall be allowed for their services, four per cent upon all monies collected upon assessments made by them, and no more under any circumstances whatever, to be paid out of moneys collected on their assessments.

SEC. 3. That section 13 of chapter 60, Session Laws of 1897, is hereby amended to read as follows :

The county commissioners of the several counties of this territories [territory] shall receive the following compensation :

In counties of the first class \$500 per annum.

In counties of the second class \$300 per annum.

In counties of the third class \$200 per annum.

In counties of the fourth class \$150 per annum; and mileage in counties of all classes at the rate of five cents for each mile actually and necessarily traveled in going to and from the meetings of said board providing, [provided] that the meetings of said board shall not exceed twelve in number in each year.

SEC. 4. That section 4 of chapter 60, Session Laws of 1897 be and the same is hereby amended to read as follows:

Section 4. The county school superintendent of the several counties of this territory shall receive the following compensation:

In counties of the first class \$1500 per annum, each.

In counties of the second class \$900 per annum each.

In counties of the third class \$400 per annum each.

In counties of the fourth class \$300 per annum each.

SEC. 5. This act shall take effect from and after its passage and all laws in conflict herewith are hereby repealed.

CHAPTER XXVI.

AN ACT REQUIRING THE INSURANCE AGAINST LOSS BY FIRE OF THE PUBLIC BUILDINGS OF THE TERRITORY, AND OF THE VARIOUS COUNTIES THEREOF. *H. B. 60; Approved March 1, 1899.*

CONTENTS.

Sec. 1. Officers and boards to insure.

Sec. 2. Penalty for violation or neglect to do so.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. All officers and boards, charged with the custody and control of public buildings belonging to the territory, shall keep the same insured for the benefit of the territory against loss or damage by fire to such an amount as may be a substantial protection to the territory; and each board of county commissioners of the various counties of the territory shall keep the public buildings belonging to said counties insured in like manner for the benefit of said counties: such insurance in each case, to be taken out with companies, or agencies in the county where such buildings may be located, if possible, and shall be given to the company or agent offering the lowest premium, and rate of insurance.

Provided, however, that such insurance shall be taken out with, and given only to such company, or companies as have fully com-

plied with the laws of the territory with reference to carrying on business therein.

SEC. 2. Any officer, or member of board, as aforesaid, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than \$25.00, nor more than \$200.00, or be imprisoned in the county jail for not less than ten, nor more than thirty days, or by both such fine and imprisonment in the discretion of the court trying the cause; and the fine so imposed, when collected, in case of neglect to insure a building belonging to the territory, shall be paid into the territorial insurance fund; and in the case of neglect to insure a building belonging to a county, it shall be paid into the general current expense fund of such county.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

CHAPTER XXVII.

AN ACT GRANTING THE PURCHASERS AT TAX SALES HERETOFORE MADE, THE LIEN OF THE COUNTY AND TERRITORY FOR SUCH TAXES. *C. B. 89; Approved March 4, 1899.*

CONTENTS.

Sec. 1. Vests in purchasers. Territory's lien upon the land involved.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That under all tax sales made heretofore by the various county collectors of this territory by virtue of the revenue laws in force prior to the first day of January, 1899, the certificates of sale issued by said collectors as provided for by section 4092 of the Compiled Laws of 1897, shall and hereby do, vest in the purchasers to whom said certificates may have been issued, their heirs and assigns, all the right, title, interest and lien of the county and territory in and to the real estate sold for the taxes for which the same may have been sold, or subsequently paid as provided for by section 4094 of said laws; and under any sale made heretofore under the provisions of said revenue laws for the non-payment of taxes which may hereafter prove to be invalid, and ineffectual to convey the title for any cause, except in case of land exempt from taxation, or upon which the taxes may have been paid prior to such sale therefor, the lien which the county and territory had on such land for all taxes, territorial, county and municipal, for which said lands may have been sold, or subsequently paid by the purchaser

at tax sale as provided for by section 4094, shall remain in full force and effect and is hereby declared to be transferred by said certificates of sale to the grantees, their heirs and assigns, who shall be entitled to foreclose said lien as mortgages and other liens are foreclosed, the owner of said lands being allowed to redeem the same as now provided by law upon the payment to said county collectors of the amounts for which said property was sold for taxes, together with interest thereon at the rate heretofore provided by law and costs. "Provided, that the holder of said certificate will pay or cause to be paid the full amount of taxes due upon said property, to the proper officer authorized to receive the same."

SEC. 2. This act shall be in force from and after the date of its passage.

CHAPTER XXVIII.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO PROVIDE THE NECESSARY [NECESSARY] FUNDS TO COMPLETET AND FURNISH THE TERRITORIAL CAPITOL AT SANTA FE AND TO LAY OUT THE GROUNDS THEREOF AND FOR OTHER PURPOSES," APPROVED FEBRUARY 8, 1899. *C. B. 96; Approved March 8, 1899.*

CONTENTS.

Sec. 1. Defaulted coupons on capitol rebuilding bonds receivable for taxes.

WHEREAS, It appears upon an examination of the act named in the title hereto that by an error and oversight, the proviso attached to section 2 thereof, as a House amendment to the original Bill, was not properly copied therein, and as so copied and as the same appears in said act, does not convey the meaning intended and contained in said amendment and proviso; now for the purpose of correcting the same in accordance with the facts and the intention of this Legislative Assembly,

Be It Enacted By The Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 2 in the act referred to in the title herein, approved February 8, 1899, be and the same is hereby amended by striking out the present proviso at the end thereof, and inserting in its lieu and stead, the following words, viz: "Provided, that upon default in the payment of the interest coupons of said bonds, the same shall be received in payment of Territorial taxes upon being tendered by any person holding such defaulted coupons to any county or Territorial officer whose duty it shall be to receive and collect territorial taxes."

SEC. 2. This act is meant and intended to be taken as though

it were a part of the original act hereinbefore referred to, and to be taken and construed therewith as though passed at the same time.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT TO AMEND SECTIONS 3818, 3829, 3846 AND 3836 OF THE COMPILED LAWS OF THE TERRITORY OF NEW MEXICO OF 1897, WITH REFERENCE TO RAILROADS. *C. B. 12; Approved March 9, 1899.*

CONTENTS.

- Sec. 1. Amends section 3818 of the Compiled Laws of 1897. Time and manner of electing officers and directors of railroads. Duties.
Sec. 2. Amends section 3829 of the Compiled Laws of 1897. Where meetings of stockholders or directors may be held.
Sec. 3. Power to construct branch lines to increase business
Sec. 4. Persons holding stock as executor, guardian or trustee or as collateral security shall not be personally subject to any liability as a stockholder of the company, etc.

Be It Enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That Section 3818 of the Compiled Laws of 1897, be and the same is hereby amended to read as follows:

Section 3818. The Directors named in the articles of incorporation must meet within one week after the filing of said articles and organize by the election of the president who shall be one of their number, a secretary and a treasurer; and their successors must so meet and organize immediately after their election. Directors must perform the duties enjoined upon them by law and the by-laws of the corporation. A majority of the directors shall constitute a Board for the transactions [transaction] of business, and every decision of a majority of the Directors forming such board, made when duly assembled and in session as such board, shall be valid as a corporate act.

SEC. 2. That Section 3829 of said Compiled Laws of 1897 be and the same hereby is amended to read as follows, viz:

Section 3829. The meetings of stockholders must be held at the office or principal place of business of the corporation. "Provided, that nothing in this act shall be construed to prevent or prohibit any railroad corporation from holding the meetings of its stockholders or board of Directors at the principal place of business of such corporation in any other state or territory where a majority of the stock of such corporation is held or owned therein as provid-

ed for in Section Four hundred and fifty-six of the Compiled Laws of 1897.”

SEC. 3. That section 3846 of said Compiled Laws of 1897, with reference to the powers or railroad corporations, be and the same is hereby amended by adding thereto the following clause, viz:

Tenth: To construct such branches from its main line or intermediate branches as it may from time to time deem necessary to increase its business and accommodate the trade or travel of the public.

SEC. 4. That Section 3836 of the Compiled Laws of 1897 be and the same hereby is amended by adding thereto at the end of said Section, the following language, viz:

No person holding stock as executor, guardian or trustee, or holding it as collateral security or in pledge, shall be personally subject to any liability as a stockholder of the company; but the person pledging the stock shall be considered as holding the same and shall be liable as a stockholder accordingly; and the estate and funds in the hands of the executor, administrator, guardian or trustee, shall be liable in like manner to the same extent as testator or intestate, or as the ward or person interested in the trust fund would have been if he had been living and competent to act and hold the stock in his own name.

SEC. 5. All laws and parts of laws in conflict with the foregoing amendments be and the the same hereby are repealed, and this Act shall take effect and be in full force from and after its passage.

CHAPTER XXX.

AN ACT CONCERNING ELECTION OF COUNTY COMMISSIONERS. *C. B. 41; Approved March 9, 1899.*

CONTENTS.

Sec. 1. County commissioners' term of office fixed at two and four years respectively at the first election. Thereafter only two shall be elected, one for four years and one for two years.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That at the general election of 1900 there shall be elected three county commissioners in each county of the Territory of New Mexico. The commissioners from the first district shall be elected for a term of four years from the first day of January after the election. The commissioners from the second and third districts shall be elected for a term of two years from the first day of January after the election; and that at the general election of 1902, there

shall be elected two county commissioners, one from the second district for a term of four years and one from the third district for a term of two years, and that at the general election of 1904, there shall be two commissioners elected, one from the third district for a term of four years and one from the first district for a term of two years, and, thereafter, at each general election, one of the county Commissioners successively, beginning with the County Commissioner from the first Commissioner district, shall be elected for a period of four years.

SEC. 2. That this act shall be in force and effect from and after its passage and all laws and parts of laws in conflict with this act are hereby repealed.

CHAPTER XXXI.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO ENCOURAGE THE ESTABLISHMENT, DEVELOPMENT AND MAINTENANCE OF PARKS IN TOWNS AND CITIES IN THE TERRITORY OF NEW MEXICO, AND TO PROVIDE FOR THEIR CONTROL AND GOVERNMENT, AND FOR OTHER PURPOSES," APPROVED FEBRUARY 17, 1897, AND FOR OTHER PURPOSES. *C. B. 31; Approved March 9, 1899.*

CONTENTS.

Sec. 1. Tax authorized be divided between object specified and a public library.

Sec. 2. Amends eighty-third sub-division of section 2402 of the Compiled Laws of 1897. Of voting to levy an annual tax for purposes stated.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the tax authorized by section 6 of an act entitled, "An Act to encourage the establishment, development and maintenance of parks in towns and cities in the Territory of New Mexico, and to provide for their control and government and for other purposes" approve [d] February 17, 1897, may, in the discretion of the trustees, or council of any town or city levying such tax, be divided between [between] the objects specified in said act and the establishment or maintenance and support of a public library, in such city or town.

SEC. 2. That the eighty-third sub-division of section 2402 of the Compiled Laws of 1897 be, and the same hereby is, amended by striking out the last sentence thereof, which reads as follows: "But no appropriation of money can be made under this section unless the proposition is submitted to a vote of the people at a municipal election of such city or town, in such manner as may be prescribed by ordinances." *Provided, However,* that when the people of such city or town have voted to levy an annual tax or appropriation for

the establishment and maintenance of a free public library, it shall not be necessary to again submit the question of such annual levy or appropriation to a vote of the people, except, upon the petition of a hundred tax-payers, residents of such city or town, petitioning for the increase, decrease or discontinuance of such annual levy or appropriation; in which event, the question of such annual levy or appropriation shall be again submitted to a vote of the people of such city or town at the next ensuing municipal election therein.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed, and this law shall be in effect from and after its passage.

CHAPTER XXXII. *Rep. L. 1907, p. 119.*

AN ACT TO REPEAL SECTION 3409 AND TO AMEND SECTION 3420 OF THE COMPILED LAWS OF 1897. *Sub. C. B. 83; Approved March 9, 1899.*

CONTENTS.

Sec. 1. Repeals section 3409 of the Compiled Laws of 1897.

Sec. 2. Amends section 3420 of the Compiled Laws of 1897. Appeals in criminal cases have the effect to stay execution. Of confinement under conviction of murder.

Be It Enacted By The Legislative Assembly Of The Territory Of New Mexico:

SECTION 1. That Section 3409 of the Compiled Laws of 1897, be and the same is hereby repealed.

SEC. 2. That Section 3420 of the Compiled Laws of 1897 is hereby amended to read as follows:

Section 3420: All appeals in criminal cases shall have the effect of a stay of execution of the sentence of the Court until the decision of the Supreme Court upon said appeal. And whenever the sentence of the District Court shall be that of death or of imprisonment for a term exceeding five years, upon a conviction for murder, the party convicted shall remain in close confinement until the decision of the Supreme Court shall be pronounced upon the appeal; and in all other cases of appeal, the party taking the appeal shall be entitled to give bail by filing a bond in a sum and with conditions to be fixed by the District Court sufficient [sufficient] to secure the due execution of the sentence of the Court in case the judgment of the Court be affirmed by the Supreme Court.

SEC. 3. All laws and parts of laws in conflict herewith are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER XXXIII. *Amended L. 1903* *p. 109.*

"AN ACT TO REPEAL SECTIONS 161, 162, 163, 164, 165 AND 166 OF THE COMPILED LAWS OF 1897; TO PREVENT THE INTRODUCTION AND SPREAD OF DISEASES AMONG SHEEP AND OTHER ANIMALS, AND TO FURTHER PROTECT THE SHEEP INDUSTRY IN THE TERRITORY OF NEW MEXICO." *C. B. 46; Approved March 10, 1899.*

CONTENTS.

- Sec. 1. The Sheep Sanitary Board. Organization. Locate principal office and place of business.
- Sec. 2. Meetings, regular and special.
- Sec. 3. Necessary expenses paid. Serve without compensation.
- Sec. 4. Power and authority of board.
- Sec. 5. Persons intending to bring sheep into the territory shall give notice. Inspection. Fee. Proviso.
- Sec. 6. Of diseased sheep. Quarantine.
- Sec. 7. Refusing to pay inspection fees. Proceedings.
- Sec. 8. Sheep brought into the territory without inspection, shall be inspected.
- Sec. 9. Persons bringing sheep into the territory that have not been inspected, subject to fine and imprisonment, and fine to become a lien on the sheep.
- Sec. 10. Money arising from penalties paid to secretary of the board.
- Sec. 11. Of marks and brands and the record thereof.
- Sec. 12. Of stolen sheep and sheep bearing unlawful marks, brought into the territory.
- Sec. 13. Of the inspection of sheep about to be shipped and the shipment of them. Bills of sale.
- Sec. 14. Of stray sheep found; report thereon and disposition of.
- Sec. 15. Same. Moneys arising therefrom paid to board.
- Sec. 16. Of dipping sheep annually and action to that end.
- Sec. 17. Persons holding sheep not accompanied by bill of sale prima facie evidence of larceny.
- Sec. 18. Selling or offering for sale sheep for which neither recorded mark or bill of sale is held, deemed larceny.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the Sheep Sanitary Board shall organize within thirty days after the appointment of its members has been confirmed by the legislative council, by electing, from their number, a president and a vice president, and by appointing a secretary who need not, however, be a member of the board. As soon as possible after their organization, the board shall select and designate some place in the Territory as its principal office and place of business, and the place so selected and designated shall not be changed during the year in which it was so selected, but may be changed thereafter from year to year, by the selection of some other place at the discretion of the board.

SEC. 2. The board shall hold at its principal office two regular meetings in each year, beginning on the second Thursday in the

months of June and December, special meetings may be held upon the call of the president, or in case he should be absent from the Territory, of the vice president, at such other times and at such places as in his judgment the business of the board may require.

SEC. 3. The members of the board shall not receive any compensation for their services, but their actual, necessary [necessary] expenses in attending the meetings of the Board, shall be paid upon their rendering itemized bills therefor, after the same have been audited and allowed by the board.

SEC. 4. The board is hereby authorized and empowered.

First. To appoint, and at its pleasure to remove, sheep inspectors who, under the control of the board, shall discharge the duties imposed on them by this act and such rules and regulations as may be prescribed by the board, and shall receive such compensation as may be fixed by the board.

Second. To Adopt and publish such rules and regulations as it may deem proper for the transaction of its business and for the government of the inspectors, not inconsistent with this act.

Third. To prescribe such methods, to be observed in the dipping of sheep, as to them may seem proper, and best adapted to prevent disease and the spread thereof among sheep, and in accordance with the provisions [provisions] of this act.

Fourth. To prescribe and publish such rules as it may consider to be best adapted to carry into effect the quarantine and sanitary provisions contained in this Act, and to dictate and prescribe such other quarantine and sanitary measures, as circumstances may require for the prevention of disease or the spread thereof among sheep; and summarily to order the quarantining of any infected flock or flocks of sheep, whenever circumstances may require it; and in matters of sanitation and quarantine, for the protection of sheep in this Territory its decision shall be final. The enumeration of the special powers hereby conferred on the board, shall not be construed to operate as a denial to it of such others as should, properly be exercised by such a board; and in all matters relating and appertaining to the preservation of a healthy condition among sheep, the prevention of illegal or improper handling or dealing in sheep, registration of owners, marks and brands, and the keeping of records of all sheep entering or leaving the Territory, and in all matters of sanitation and quarantine, the said board is hereby given full powers to enforce both the provisions contained in this act, and the rules and regulations prescribed by the said board, in accordance with this act.

SEC. 5. Any person intending to bring any sheep into the Territory of New Mexico from any other country, state or territory, shall give notice in writing, of his intention so to do to the secretary of the board by telegraph, by registered letter, or by delivery in person

so that the notice shall be received at least forty-eight hours previous to the proposed day of entry, stating in said notice the day and place, when and where, he desires to bring said sheep in. Upon receiving said notice the secretary shall, immediately notify an inspector who shall at once go to the place named, and inspect said sheep, and if the same are found to be clean and healthy, and free of any contagious or infectious disease he shall deliver to the owner, or to the person in charge of them a certificate of health for the flock, which will authorize said sheep to be brought into the Territory; and the owner, or person in charge of said sheep shall pay to the inspector a fee of five cents per head for such inspection; *Provided, however,* that the provisions of this section shall not apply to sheep loaded on railroad cars which are being transported from some country, state or territory to another country, state or territory through the territory of New Mexico, and which are not to be unloaded and landed in this Territory, except in quarantine pens for the purpose of feeding and watering the same, and for a period of time not to exceed twenty-four hours.

SEC. 6. If at the inspection spoken of in the preceeding [preceeding] section, the inspector should find that the sheep are infected with scab, or other contagious or infectious disease, he shall require the owner or the person in charge of them to dip them in the manner that may be prescribed by the rules and regulations of the board, before bringing said sheep into the Territory, if that can be conveniently done, but if it cannot be done conveniently, then he shall allow them to be brought into the Territory, but only for the purpose of causing them to be properly dipped under his own supervision, at the nearest obtainable dipping vats; and in the meantime, and until said sheep are free from disease, he must see that the quarantine regulations prescribed by the board in such cases are strictly observed, and as well as any other orders or rules of the board. When the inspector shall pronounce said sheep clean and healthy, he shall issue to the owner, or person in charge of them, a certificate of health as provided in the preceding section, upon the payment to him of the inspection fee named in the said preceding section.

SEC. 7. Should the owner, or person in charge of any sheep, that are about to be brought into this Territory from another country, state or territory, fail or refuse to pay the inspection fee provided for in section five of this act, the inspector making the inspection of said sheep, shall refuse to deliver the certificate of health mentioned in said section five, and shall not permit said sheep to enter the territory; but if they are brought into the territory notwithstanding his said refusal, or if said sheep be already in the Territory at the time of such inspection, he shall immediately take charge of the flock, and shall not allow them to [be] driven away;

he shall, at once, notify the secretary of the board, or the nearest or most accessible member of said board, of that fact, and upon being authorized thereto by the board he shall immediately go before the district judge, or some justice of the peace in the county where the said sheep may then be found, and make complaint against the said owner, or the person in charge of said sheep, in the manner provided in section 19 of this Act, and proceed as indicated therein, to enforce the payment of said inspection fee, and of the costs that he may have necessarily incurred in keeping said sheep, from the time that he took charge of them, together with the costs of the legal proceedings.

SEC. 8. When any inspector learns that any flock or flocks of sheep have been brought into this Territory from some other country, state or territory, without having been first inspected, as provided for in section five of this act, he shall immediately inspect said sheep, as in said section five is provided.

SEC. 9. That any person or persons who shall hereafter bring any sheep into the Territory of New Mexico, from any other country, or state or territory, without complying with the provisions contained in section five of this act, shall upon conviction thereof before any justice of the peace or district court in this Territory, be fined in any sum not less than fifty, dollars nor more than one hundred dollars and in addition thereto may, in the discretion of the court trying the case, be imprisoned at hard labor in the county jail of the county for any period of time not to exceed thirty days; and a failure on the part of the owner, or person in charge of said sheep, to produce the certificate of health provided for in said section five, shall be, prima facie, evidence that said sheep were clandestinely brought into the Territory, without complying with the provisions of said section. The judgment shall operate as a lien upon the sheep so clandestinely brought by such person into the territory, and said sheep, or so much thereof as may be necessary, may be sold in the same manner as is now provided by law for the sale of personal property under execution, and the proceeds applied to the payment of such fine and the costs; and it is hereby made the express duty of sheep inspectors to make criminal complaint against any person or persons who bring sheep into this Territory in violation of the provisions contained in said section five of this act.

SEC. 10. That all moneys arising from fines and penalties for violations of any of the provisions of this act, shall constitute part of the available sheep sanitary fund, and be paid over by the Officers collecting the same, to the secretary of the board.

SEC. 11. Every sheep owner, owning or having sheep in this territory, shall record in the office of the secretary of the board, the marks and brands which he may use in marking sheep, and the said secretary shall enter and record said marks and brands in a book to

be kept by him for that purpose; *Provided*, that he shall refuse to record in the name or any person or persons, firm or corporation, any mark or brands which may have been previously recorded in the name of any other person or persons, firm or corporation; and *Provided, further*, that it shall be unlawful for any person, firm or corporation, to have more than one ear mark, or set of ear marks in such manner as to mark different sheep in his flock or flocks with different ear marks; and the secretary shall refuse to record more than one ear mark or set of ear marks in the name of any person, firm or corporation. And it shall be unlawful for any person, firm or corporation, to cut off more than one half of either or both ears, or to cut off both sides of either or both ears more than one half of the ear to a point, as ear-marks; and no such ear-marks shall be recorded by the secretary. A certified copy of any mark or brand thus recorded, shall be admitted in the courts of this Territory as prima facie evidence of ownership, but, unless it be so recorded, no mark or brand shall be admitted as evidence of ownership in any of the courts of this Territory. For each recording of the marks and brands of each person, and furnishing a certificate thereof, the secretary shall be paid a fee of one dollar, which shall be paid by him into the sheep sanitary fund.

SEC. 12. Any person who shall bring into this Territory any sheep that have been stolen in any other country, state or territory, knowing at the time of bringing them that the same were stolen, upon conviction thereof, shall be punished in the same manner as is now provided by law for the punishment for the crime of larceny of sheep; and the fact of any person being found in possession of sheep having more than one half of either or both ears cut off, or more than one half of either or both ears cut on both sides to a point, shall be considered prima facie evidence against him that such sheep are stolen; and it is hereby made the duty of sheep inspectors to make complaint against any person or persons found in possession of sheep thus marked; and the said sheep inspectors shall refuse admission into this Territory of any sheep bearing such marks, except upon express permission so to do by the Sheep Sanitary Board.

SEC. 13. It is hereby made the duty of the sheep inspectors carefully to inspect all sheep about to be shipped or driven out of the Territory, and no sheep bearing any of the ear-mark [s] declared in this act to be unlawful shall be allowed by them to be shipped or driven out of the territory, unless expressly authorized so to do by the board. The inspector shall require each person so shipping or driving sheep out of the Territory to exhibit to him a bill or bills of sale, or authority in writing to ship or drive such sheep, executed as now provided by law for live stock, from the recorded owners of all marks and brands on such sheep, unless such person is himself such

recorded owner of such marks and brands. The inspector shall also examine said sheep as to their sanitary condition; and if fully satisfied that the person proposing to ship or drive them out of the Territory has a right so to do, and that they are free from contagious or infectious disease, he shall upon payment to him of an inspection fee of five mills for each sheep inspected give to said person a bill of clearance setting out those facts, including the fact of such payment having been made, and describing the sheep, which bill shall authorize the taking of said sheep out of the Territory. It shall not be lawful for any person, firm, or corporation to offer for transportation, nor shall any railroad company in this Territory accept or receive for transportation on its lines of railroad, from this Territory to any point or place beyond its boundaries, any sheep for the transportation of which a bill of clearance as herein provided for, is not first obtained by the shipper immediately before, and at the place of, the shipment; and any railroad company violating the provisions of this act, shall be held liable in an action of debt, in the sum of five cents per head for each and every head of sheep received by it for transportation and actually transported by it, from this Territory to any point or place beyond its boundaries, without said bill of clearance, which said sum shall be recoverable for the use of the sheep sanitary fund, upon the suit of the Sheep Sanitary Board, in any court of competent jurisdiction. The said inspector shall make report to the secretary of the board, of every inspection made by him under the provisions of this Section, which said report shall, show, the name of the shipper, the place of shipping, the place of destination, the number of sheep shipped, their marks, brands and sanitary condition and the date of shipping, together with the name or names of any former owner or owners of such sheep or any portion thereof, and the substance of the bills of sale made by such former owner or owners, exhibited by the shipper, and any additional matter which may be required by the board.

SEC. 14. Any person finding any estray sheep, shall immediately report them to some sheep inspector of the county where the same were found, and shall deliver them to any inspector upon his demand therefor; and any inspector upon coming in possession of any estray sheep shall, forthwith, notify the secretary of the sheep sanitary board, stating the number of sheep in his possession, their ear-marks, their quality, the locality and the county where they were found and the name of the person who found them. The secretary of the board shall immediately cause a notice to be published in both English and Spanish, for four consecutive weeks, in some newspaper published in the county where said sheep were found, but if there be no newspaper published in said county, then in some newspaper published in the county where the said secretary's office is located; which said notice shall set out a description of said sheep, their number and the name of the inspector who has charge of them,

and shall direct the owner thereof to appear before the secretary of the board at his office to claim them, on or before a day therein named, which shall not be later than three days after the date of the last publication; said notice shall contain a statement that, unless the owner shall appear on or before the day named and prove his ownership, the said sheep will be sold at public auction, at the door of the county court house of the county where the same are being kept, to the highest bidder, for cash, on the eighth day after the last day of said publication. In addition to the said notice, if the ear-marks and brands on said sheep are recorded in his office, the secretary shall notify the owner or owners of record, by registered letter of the finding of said sheep, and shall give such further, or other, notice as the board may direct. On the day named for the owner to appear, the secretary shall order said sheep to be delivered to the owner of record of the ear-marks and brands on said sheep, or to any person presenting a good and valid bill of sale for the same from such owner or to any other person proving ownership thereof if the marks and brands are not recorded, upon the payment of all costs incurred in the keeping of said sheep, in the publication aforesaid, and such other expenses as may have been necessarily incurred. If no person proves ownership of said sheep, the secretary shall order the inspector in charge to sell the same as in said notice provided. The moneys arising from such sale shall be paid to the board, and there shall be paid therefrom the costs and expenses incurred in keeping and advertising said sheep, and in the sale thereof, and the residue if any shall be placed in the sheep sanitary fund; *Provided, however*, that if, at any time within one year after such sale, the owner of sheep so sold shall appear and prove his ownership, such residue shall be paid to him from any funds under the control of the board.

SEC. 15. Any person who shall find any stray sheep, and shall fail to report the same to some sheep inspector as is provided for in the preceding section, and who shall take or in any manner dispose of them, upon conviction thereof shall be deemed guilty of larceny of sheep, and shall be punished accordingly.

SEC. 16. All sheep in the territory must be dipped at least once in each year, in accordance with the rules and regulations to be established by the board, and shall be inspected at least once in each year by the inspectors, who shall immediately after each inspection of any flock of sheep, make a report thereof to the secretary of the board, stating the number of sheep inspected, the owner of the same, their condition of health or the existence of any infectious or contagious disease or parasites among them, and such other matters and information as may be required by the Board, which report the secretary of the board shall record in a proper book for reference. No sheep afflicted with scab, or other contagious or infectious [diseases] or parasites, shall be allowed to travel except between the

place where they are being herded and the dipping vats, and then only under regulations prescribed by the board; and any flocks of sheep which shall have scab shall be dipped as often as may be necessary, and until they be pronounced clean by the inspector; but no sheep shall be required to be dipped at such season of the year or during such inclement weather as would endanger their health or lives, or when a flock is in the midst of lambing.

SEC. 17. No person or persons, whether as principal or agent, shall hereafter sell, nor shall any person, whether as principal or agent, hereafter buy, any sheep, unless the person or persons so selling the same, shall give to the purchaser, and the purchaser shall receive from the person selling the same a bill of sale, which shall fully describe the sheep by their marks, brands and quality and shall be duly acknowledged before some officer authorized by law to take acknowledgments; and the possession, by any person or persons, of any sheep having any mark or brand but his own, shall, unless he have such bill of sale therefor, be taken as prima facie evidence that he has committed larceny of said sheep, and shall be sufficient for a conviction unless the evidence shall show his innocence.

SEC. 18. Any person who may sell, or offer for sale or trade, any sheep upon which such person has not his recorded mark or brand, or for which he has neither bill of sale nor power of attorney from the owner of such sheep, authorizing such sale, shall be deemed guilty of larceny, unless such person upon trial [trial] shall establish and prove that he was, at the time, the actual owner of the sheep or that he acted by the direction of one shown or proven to be the actual owner of such sheep, and in prosecutions for a violation of the provisions of this section, it shall not be necessary, in order to warrant a conviction, for the Territory to prove motive, intent or purpose on the part of the accused, or that the accused knew that the sheep were sold or traded or offered for sale or trade, in violation hereof, but the fact of such selling or trading or offering for sale or trade, contrary to the provisions hereof, when proved, shall be sufficient to authorize conviction, unless the accused shall, by testimony, explain the case made by the Territory in a manner consistent with good faith and innocent purpose.

SEC. 19. Whenever, under the provisions of this act or of the rules and regulations of the sheep sanitary board in accordance with the provisions of this act, any flock or flocks of sheep must be quarantined or dipped, upon the failure or refusal of the owner or of the person in charge of such flock or flocks of sheep to comply therewith, the sheep inspector, shall, summarily, take charge of the said flock or flocks of sheep, as under attachment, and shall see that the requirements of the law and of the rules and regulations of the board, in relation to said flock or flocks of sheep, are complied with under his own directions and supervision. The costs and expenses

necessarily thereby incurred shall constitute a lien upon said flock or flocks of sheep, and said sheep shall remain in the custody of the inspector until said costs and expenses are fully paid, and if the owner or the person in charge of such sheep fail to pay said costs and expenses within eight days after the inspector has demanded the payment thereof, the sheep sanitary board shall institute legal proceedings for the recovery thereof, and said proceedings shall be as for the foreclosure of an attachment lien on said sheep, and in said proceedings no bond shall be required from said board.

SEC. 20. The inspection fees due for any inspection of any flock of sheep, shall constitute a lien upon said sheep, and said sheep, when in the custody of any sheep inspector, shall not be delivered to the owner or to the person in charge thereof, until such inspection fees have been paid; and upon the failure or refusal of said owner or person in charge to pay the same, the sheep sanitary board, shall cause legal proceedings to be instituted in its name for the collection thereof in any court of competent jurisdiction, and said sheep shall remain in the custody of the sheep inspector until the determination of said suit, and no bond shall be required from the board.

SEC. 21. That section 168 of the compiled laws of New Mexico of 1897, be and the same is hereby amended so that hereafter it shall read as follows, to-wit:

It shall be the duty of the county commissioners of each county in the Territory, at the time of levying other taxes, to levy a special tax of two mills per head on each sheep within their respective counties, to be known as the sheep sanitary fund; such special tax shall be collected in the several counties and paid to the territorial treasurer in the manner provided by law for the collection and payment of other territorial taxes. Such fund shall be kept separately by such treasurer and shall be used exclusively for the payment of any expenses properly incurred by the sheep sanitary board, and such fund shall be paid out by the territorial treasurer on the order of said board only. Such special tax shall be assessed, levied and collected at the expense of the several counties, and in case the county commissioners of any county shall fail or neglect to make the levy provided herein, they shall, each, become personally responsible to said fund in any amount equal to twenty-five per cent of said levy, to be collected from them and their bondsmen for the exclusive benefit of said fund.

SEC. 22. The secretary of the sheep sanitary board shall before he enters the duties of his office, qualify by giving a bond to the territory of New Mexico with good and sufficient sureties, to be approved by the president of the board, in a sum of not less than one thousand dollars, conditioned for the faithful performance of his duties under the laws and the rules and regulations of the board, which bond may be sued upon in the name of the Territory, for the

benefit of any person interested. The secretary shall keep the minutes of the proceedings of the board at regular and special meetings, and also all record books, reports and other papers and documents belonging to the board; he shall file and securely keep all reports made to him by the different sheep inspectors; he shall keep a record showing the number of sheep in the different counties of the territory as reported by him by the [different] sheep inspectors, the names of the different sheep owners and the number of sheep owned by each; from the reports of the sheep inspectors he shall also keep a record of the number of sheep shipped out of the Territory and of the number imported into the Territory each year. He shall keep a record of marks and brands wherein he shall record and enter all marks filed with him for record, which said book shall show the date of record of each mark, the name of the owner and his postoffice address, and, generally, he shall perform such other duties and functions as may be required of him under the rules, regulations and instructions of the sheep sanitary board. The secretary shall be paid such salary or compensation, for his services as may be agreed upon between him and the board.

SEC. 23. No moneys shall be paid out of the sheep sanitary fund unless such payment and disburs[e]ment has been authorized by a majority of the members of the sheep sanitary board.

SEC. 24. The sheep inspector[s] provided for in this act must be practical sheep men, and before they enter upon the duties of their office each shall give a bond to the Territory of New Mexico, in the sum of Five hundred dollars, conditioned for the faithful performance of the duties of his office, with at least two sufficient sureties, to be approved by the president of the board, which bond may be sued upon in the name of any person interested. It shall be the especial duty of said sheep inspectors to enforce all the provisions contained in this act, and in the rules and regulations of the sheep sanitary board, and for the purpose of more effectually enforcing them, the said inspectors are hereby given the same powers as deputy sheriffs, and they may make arrests without warrant[s] of any persons violating the provisions of this act, or any of them, or any of the rules or regulations of the sheep sanitary board; they shall make complaints against any such violators, and in civil cases, and criminal prosecutions that may arise under the provisions of this act, or under the rules and regulations of the board, the said inspectors may serve all papers, and mesne and final process therein, in the same manner as the sheriff of the county may or can do and he shall be entitled to the same fees that the said sheriff would be for the performance of similar services.

SEC. 25. Upon the receipt of information that any sheep in his county are affected with scab or if in his judgment they have been expose[d] to it, the inspector shall examine the same, and if he find

that they are infected, he shall immediately, quarantine, under such rules and regulations as may be prescribed by the board, and he shall keep them under quarantine [quarantine] until the said sheep shall be clean and healthy.

SEC. 26. On or before the third Thursday of December of each year the sheep sanitary board shall make a report to the Governor [Governor] of the territory which shall contain a statement of all receipts and expenditures, the number of sheep in the territory as appears from the reports of the inspectors, the number of sheep exported from and imported into, the Territory during the year, and the general condition of health among sheep.

SEC. 27. All moneys collected by any inspector shall be paid over by him to the board in such manner and within such time after collection as the board shall direct, and every inspector shall make report in writing to the board of all his acts in such form as the board may require.

SEC. 28. Wherever the word sheep is used in this act it shall be construed to mean and include wethers, ewes, lambs, rams and goats.

SEC. 29. Any person violating the provisions of section thirteen of this act, whether by shipping or driving sheep out of the Territory without having first, obtained the bill of clearance therein provided for, or by failing to pay the fees required by said section, shall be deemed guilty of a misdemeanor [misdemeanor] and shall be punished by fine of not less than one hundred, nor more than five hundred dollars, and, in the discretion of the Court, also by imprisonment not exceeding six months.

SEC. 30. The members of the board shall be practical sheep men, owners of sheep and actually engaged in the business of sheep growing. They shall be appointed by the governor by and with [the] advice and consent of the legislative council and shall hold their Offices for two years from the date of their appointment, or until the next regular meeting of legislative council and until their successors are appointed and qualified.

SEC. 31. That sections 161, 162, 163, 164, 165 and 166 of the compiled laws of New Mexico of 1897, being sections 2, 3, 4, 5, 6 and 7 of chapter 53 of the laws of 1897, be and the same are hereby repealed, and all laws and parts of laws in conflict with this act, be and the same are hereby repealed, and this act shall be in force from and after its passage.

CHAPTER XXXIV.

AN ACT TO REGULATE THE COMPENSATION OF COUNTY SCHOOL SUPERINTENDENTS. *C. B. 97; Law by limitation March 11, 1899.*

CONTENTS.

Sec. 1. Socorro and Grant Counties made third class for certain purposes.

Sec. 2. Salaries of county school superintendents in third class counties.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. For the purposes of this Act, the following counties shall be hereafter added and considered as counties of the third class, to-wit: The counties of Socorro and Grant.

SEC. 2. All School Superintendents of the Counties of the third class shall hereafter receive and be paid in full for their services as such School Superintendents, a salary of four hundred (400) dollars per year, payable quarterly in the manner already provided by law.

SEC. 3. All acts or parts of acts in conflict with this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER XXXV.

AN ACT TO PROMOTE THE ADMINISTRATION OF JUSTICE. *H. Sub. C. B. 115; Approved March 11, 1899.*

CONTENTS.

Sec. 1. Conviction of crime shall disqualify as attorney, etc.

Sec. 2. Repeals section 3777 of the Compiled Laws of 1897.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That hereafter it shall not be lawful for any man who has been convicted of an infamous crime to appear or practice as the attorney, counsellor, solicitor or agent of another in any of the courts of justice of this territory; *Provided*, that the provisions of this section shall not apply to any person who has been pardoned by the governor of the territory or the president of the United States for any crime of which he has been convicted.

SEC. 2. Section 3777 of the Compiled Laws of 1897 of the Territory of New of Mexico is hereby repealed.

SEC. 3. This act shall be in full force and effect from and after its passage.

CHAPTER XXXVI.

AN ACT DECLARING FALSE ENTRIES IN BOOKS OF INDIVIDUALS, CO-PARTNERSHIPS OR CORPORATIONS, OR FALSE STATEMENTS MADE BY ANY OVERSEER, FOREMAN, TIME-KEEPER, CLERK, BOOK-KEEPER, ACCOUNTANT, OR OTHER AGENT OR EMPLOYE OF ANY INDIVIDUAL, CO-PARTNERSHIP OR CORPORATION, TO BE FELONY AND PRESCRIBING PENALTIES THEREFOR. *C. B. 69; Approved March 11, 1899.*

CONTENTS.

Sec. 1 False entries made by agents or employees with intent to defraud, guilty of felony. Penalty.

Be it enacted by the Legislature of the Territory of New Mexico:

SECTION 1. Every person acting in the capacity of overseer, foreman, bookkeeper, clerk, timekeeper, accountant, or any other agent or employe of any individual, co-partnership or corporation doing business in this territory, who shall wilfully make or cause to be made any false statement in writing to any such individual, or to any member or members of such co-partnership, or to any officer or officers of such corporation, with intent to defraud or assist to defraud such individual, co-partnership or corporation, or to escape their liabilities to such individual, co-partnership or corporation, or who shall make any false entry in any book kept by him, or any memorandum or statement made by him of wage due or owing to any employe or employees of such individual, co-partnership or corporation, with intent to defraud such individual, co-partnership or corporation out of any money, property or other valuable thing or effects, shall be deemed guilty of felony, and shall, upon conviction thereof, be punished by imprisonment at hard labor in the penitentiary for not less than two nor more than five years.

SEC. 2. All acts or parts of act[s] in conflict herewith be and the same are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the date of its passage

CHAPTER XXXVII.

AN ACT WITH REFERENCE TO TAXATION BY MUNICIPAL CORPORATIONS. *H. S. for H. B. 99; Approved March 11, 1899.*

CONTENTS.

Sec. 1. Municipal corporations constructing water and light plants. Taxation for Rents.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. All cities and incorporated towns constructing wa-^{Amended} ter, gas or electric light works are authorized to assess from time to time, in such manner as they shall deem equitable, upon each tene-^{L. 1903,} ment or other place supplied with water, gas or electric lights, such ^{P. 5-5-} water, gas or electric light rents as may be agreed upon by the Council or Trustees, or upon each vacant lot in front of which the pipes commonly called "street mains," are laid, but such vacant lots as do not take water from such street mains shall not be assessed more than one-half as much as may be assessed against the same amount of frontage of lots occupied by a one story building; and gas should be charged for by the foot and electric lights by ampere and then only to such as use it, and at the regular time of levying taxes in each year, said city or town is hereby empowered to levy and cause to be collected, in addition to the other taxes authorized to be levied, a special tax on taxable property in said city or town, which tax, with the water, gas or electric light rent hereby authorized, shall be sufficient to pay the expenses of running, repairing and operating such works; and if the right to build, maintain and operate such works is granted to private individuals or incorporated companies by such cities or towns and said cities or towns shall contract with said individuals or companies for a supply of water, gas or electric lights for any purpose, such city or town shall levy each year and cause to be collected a special tax as provided for above, sufficient to pay off such water, gas or electric light rents so agreed to be paid to said individuals or company, or company constructing said works.

Provided, However, that said last mentioned tax shall not exceed the sum of four mills for water and one mill for gas or electric lights on the dollar for any one year. *And provided also,* that all contracts heretofore made by any city or incorporated town with individuals or an incorporated company for a supply of water, gas, electric lights, or an agreed water, gas or electric light rent which may be paid in whole or in part by a special tax as provided for above of not exceeding four mills for water and one mill for gas or electric lights on the dollar for any one year, be and they hereby are ratified, confirmed and validated.

Provided, Further, that no incorporated city or town shall levy an annual tax in excess of ten mills, for any purpose whatsoever, excepting for interest on bonded indebtedness.

SEC. 2. This act shall be in force and take effect from and after its passage.

CHAPTER XXXVIII.

AN ACT TO PROVIDE MEANS FOR PAYING BOUNTIES FOR THE KILLING OF WILD ANIMALS. *H. S. C. B. 101; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Authorizes levying of tax on live stock.

Sec. 2. Application for and payment of bounties. Manner. Proviso.

Sec. 3. Repeals sections 714, 717, 763, 764, 765, 766 and 767 of the Compiled Laws of 1897

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

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c. 1, p. 28.
SECTION 1. The several boards of county commissioners of the different counties in this territory are hereby authorized and directed to levy annually a special tax on the horses, bovine cattle, sheep and goats in their respective counties to any amount not exceeding one-half mill, on the assessed value therefor, for the purpose of raising money with which to pay bounties for the killing of wild animals. Such special tax shall be collected in the manner provided by law for the collection of other county taxes, and paid into the county treasury as a "Wild Animal Bounty Fund," to be used exclusively for the payment of bounties for the killing of wild animals, at the following rates: For each coyote or wild cat, one dollar; for each lynx, two dollars; for each gray wolf, lobo, panther or mountain lion, five dollars; for each bear, seven dollars.

SEC. 2. Applications for the payment of the bounties provided for in section one of this act shall be made and treated in the manner provided for in section 715 of the Compiled Laws of 1897; and all claims for such bounties shall be audited by the county commissioners of the county in which the wild animals are killed, as provided for in section 716 of the Compiled Laws of 1897 and when so ordered shall be paid by the county treasurer of such county, out of said "Wild Animal Bounty Fund." *Provided,* That no bounties shall be paid under the provisions of this Act except on such animals as are killed, after the passage of this Act.

SEC. 3. Sections 714, 717, 763, 764, 765, 766, and 767 of the Compiled Laws of 1897 and all laws and parts of laws in conflict herewith, are hereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT TO PROVIDE THE NECESSARY FUNDS TO COMPLETE AND FURNISH THE TERRITORIAL CAPITOL. NOW IN COURSE OF ERECTION AT SANTA FE, AND FOR OTHER PURPOSES. *C. B. 129; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Amends section 3 of Act of February 9, 1899.

Sec. 2. Applies to Act of Congress approved March 1, 1899, authorizing it.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That an act of the Thirty-third Legislative Assembly of the Territory of New Mexico, approved February 8, 1899, entitled "An Act to provide the necessary funds to complete and furnish the Territorial Capitol, at Santa Fe, and to lay out the grounds thereof, and for other purposes," and another act of the same legislative assembly, approved March 8, 1899, entitled "An Act to amend An Act to provide the necessary funds to complete and furnish the Territorial Capitol, at Santa Fe, and lay out the grounds thereof, and for other purposes," be, and the same are hereby, reenacted in all their parts, excepting, however, the following words in section three (3) of the act first above named, to wit: "But no action for the sale of the bonds authorized in section one, shall be taken until this act has been duly authorized or approved by the Congress of the United States of America," which said words are hereby stricken out and repealed.

SEC. 2. This act is and shall be construed as applying to and being enacted under and by virtue of the power and authority conferred upon the Legislative Assembly of the Territory of New Mexico by an act of Congress, approved March 1, 1899, authorizing said assembly to cause to be issued bonds of the Territory for the sum of sixty thousand dollars for the purpose of raising the necessary additional funds for the completion and furnishing of the Territorial Capitol now in course of erection at Santa Fe.

SEC. 3. This act shall be in full force and effect from and after its passage.

CHAPTER XL.

AN ACT TO AMEND SECTION 254 OF THE COMPILED LAWS OF NEW MEXICO OF 1897. *C. B. 143; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Unlawful carrying on the business of banking, per section 254 of the Compiled Laws of 1897, shall not apply to bankers of five years good standing.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That Section 254 of the Compiled Laws of New Mexico of 1897, be and the same is hereby amended by inserting the following after the seventh line from the top of said section, to-wit:

Provided, that the above provision of this section shall not apply to any bank or firm or bankers that has been in good standing for not less than five years prior to the passage of this act.

SEC. 2. This act shall be in full force from and after its passage.

CHAPTER XLI.

AN ACT IN REFERENCE TO RECOGNIZANCES, BONDS, STIPULATIONS, REQUIRED BY THE LAWS OF NEW MEXICO, AND FOR OTHER PURPOSES. *H. S. C. B. 13; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Recognizances, stipulations, bonds, and undertakings good if guaranteed solely by a corporation as required.

Sec. 2. Any receiver, guardian, executor or other fiduciary may be allowed by the court or judge a reasonable sum per limitation when paid for surety.

Sec. 3. Surety desiring to be released from an official bond, may be so released on application as stated. Of a new bond and of failure to give new bond.

Sec. 4. Company authorized to do business under this act failing to pay final judgment on bond or undertaking, shall forfeit all right to do business.

Sec. 5. Any company guaranteeing any bond or undertaking, shall be estopped, etc.

Sec. 6. All corporations doing business under provisions of this act shall be considered as Insurance Company.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That whenever any recognizance, stipulation, bond, or undertaking is required to be given by the laws of said Territory, conditioned for the faithful performance of any duty, or from doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified, which bond is now required or permitted to be given with one or with two or more sureties, the execu-

tion of the same, or the guaranteeing of the performance of the condition thereof shall be sufficient if executed or guaranteed solely by a corporation incorporated under the laws of the United States or of any state or territory having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute guarantee bonds and undertakings in special proceedings, and in all judicial proceedings: *Provided*, that such company is qualified under the act of Congress entitled "An act relative to recognizances, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13 1894; and, *Provided further*, that said corporation, if not incorporated under the laws of the Territory of New Mexico, shall in addition to the said certificate provided for in this act, also comply with the laws of the territory authorizing foreign corporations to do business in said territory, and, *Provided, further*, that all recognizances, stipulations, bonds, or undertakings executed under the provisions of this act shall be subject to the approval and acceptance as to the form and sufficiency of the execution thereof by the person or authority by law authorized to approve and accept the same.

SEC. 2. That any receiver, assignee, guardian, trustee, committee, executor, administrator or other fiduciary required by law or the order of any court or judge, of this territory, to give a bond or other obligation as such, may include as a part of the lawful expense of executing his trust such reasonable sum paid a company authorized under the laws of this Territory so to do, for becoming his surety on such bond as may be allowed by the court in which, or a judge before whom, he is required to account, not exceeding one per cent per annum on the amount of such bond: and in all actions and proceedings a party entitled to recover costs therein shall be allowed and may tax and recover such sum paid such a company for executing any bond, recognizance, undertaking, stipulation or other obligation therein not exceeding, however, one per cent on the amount of such bond, recognizance, undertaking stipulation or other obligation, during each year the same has been in force.

SEC. 3. When any surety upon the official bond of any trustee, committee, guardian, assignee, receiver, executor, administrator or other fiduciary in this Territory shall desire to be released from such obligation, such surety may file his application for such release in the court having jurisdiction of such fiduciary and thereupon the clerk of such court shall issue, under the seal thereof, a notice to such fiduciary, requiring him or her to furnish a new bond, with sureties to be approved by the court, within twenty days from the date of the service of said notice. Such notice may be served in the manner provided by law for the service of a summons in civil actions. If such fiduciary shall fail to furnish such bond within the time hereinbefore prescribed he or she may be summarily removed

from office, and a new trustee, committee, guardian, assignee, receiver, executor, administrator, or other fiduciary forthwith [forthwith] appointed. From and after the time when such new bond is furnished, or such new fiduciary appointed, the surety making such application shall be released from all liability upon the said bond, except for such default or other misconduct on the part of such fiduciary as occurred prior thereto.

It is further provided that in case of the release or the withdrawal [withdrawal] of any surety as provided in this act, and in case the principal shall account in due form of law for all his acts and doings, and all trust funds or estate, then the unearned portion of any premium paid to such surety shall be refunded and repaid by the said surety or such sureties as aforesaid.

SEC. 4. That if any company authorized to do business in this territory under this act shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond or undertaking made or guaranteed by it under the provisions of this act, from which no appeal, writ of error, or super-seedeas has been taken, for thirty days after the rendition of such judgment or decree, it shall forfeit all right to do business under this Act.

SEC. 5. That any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of this Act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument or assume such liability.

SEC. 6: All corporations doing business in this Territory under the provisions of this Act shall be considered and taken to be Insurance Companies within the meaning and intent of Sections 2114, 2115 and 2116 of the Compiled Laws of New Mexico of 1897, and shall be subject to the provisions of said Sections 2114, 2115 and 2116.

SEC. 7. This Act shall be in force and effect from and after its passage.

CHAPTER XLII.

AN ACT TO ESTABLISH AND MAINTAIN AN ASYLUM FOR THE EDUCATION OF THE DEAF AND DUMB. *H. B. 51; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Act of February 24, 1887, (Chapter XXXI) recognized and continued. Lands and improvements made recognized: and appropriations shall be made for its support.

- Sec. 2. Provides for a Board of Trustees, two of whom may be women. Organization. Powers. Expenses. Make report. Donation by congress.
- Sec. 3. Devoted to the deaf and mutes. Instruction free to residents of the territory. May receive children from other States and Indians on terms stated.
- Sec. 4. Provides for reports of the deaf and mute children in the territory and for attendance at the school. Enforcement.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. The asylum for the education of the deaf and dumb children resident in this Territory established by the act of the Territorial Legislature, approved February 24, 1897, printed in the Session Laws of that year as chapter XXXI, is hereby recognized and continued as a Territorial Institution to be hereafter known and called "The New Mexico Asylum for the deaf and the dumb."

And all the lands buildings and improvements purchased and erected for the benefit of the said Asylum in the County of Santa Fe, shall inure to the benefit of the said Asylum for the Deaf and the Dumb; and proper appropriations shall be made by the Legislature for its continuance and support.

SEC. 2. The said Asylum shall be under the control and management of a board of trustees consisting of the Superintendent of public instruction, and four other competent persons two of whom may be women.

Said four persons to be nominated by the Governor, and by and with the consent of the Legislative Council [,] appointed to such position; two of such appointees shall serve for a term of four years from the time of their appointment, and two for the term of two years from such date in the first instance, after which all appointees on such board shall serve for four years from the date of their appointment; vacancies occurring in said board shall be filled in the same manner as is provided for by law for the filling of vacancies in other public boards.

The said board shall meet and organize on the second Monday of April after their appointment by electing from among their number a president and a secretary, and it shall make its own rules and regulations for the government of its meetings and the Institution under its care.

Such board shall have full power and authority to employ a Superintendent, teachers and all other necessary employes to carry on the said asylum in the most efficient manner with the appropriations made therefor, with full power to provide suitable buildings, additions to existing buildings, and otherwise enlarging and improving the buildings and property now occupied by said asylum.

Provided, that it shall be unlawful for any member or members of said Board of Trustees to incur any indebtedness or provide any improvements, repairs, or enlarge said buildings, except for current

expenses, unless there shall be money on hand in the Treasury subject to be used for such purposes.

Such Board shall serve without compensation or salary except that they may be refunded actual cash expended by them in necessarily attending the meetings of such Board; and the present committee in charge of such asylum shall turn over upon demand of such board, all records, books, papers, deeds, contracts and other property now in its hands, belonging or appertaining to the present asylum.

The said Board of Trustees shall biennially, on the years when the Legislative Assembly of the Territory meets, present to the Governor a full and detailed report including an itemized statement of all expenditures and of all its doings and actions during the previous two years, with such information and recommendations as it may deem necessary and Advisable [advisable] for the Governor and the Legislature to act upon.

The donation by Congress under its Act approved June 21, 1898, of Fifty thousand acres of land for the establishment and maintenance of an asylum for the Deaf and Dumb, is hereby accepted by the territory for the benefit of the said asylum, and the said trustees shall receive and use the same as other property belonging to it.

SEC. 3. The Asylum hereinbefore described shall be devoted exclusively to the care and instruction of the Deaf and Mutes, those who are either deaf or mute, of both sexes resident within the Territory of New Mexico between the ages of eight and twenty-one years.

All instruction shall be free, *Provided*, that deaf or mute children from other states or Territories and indian children under the control of U. S. Indian agents, may be received and educated in said Asylum, under such rules and regulations as the board of trustees may prescribe; but in no event shall such children be admitted, except upon the payment or guaranty of at least two hundred and twenty-five dollars for the school year on the basis of nine months for such year, and the president of such board of trustees is hereby authorized to make and enter into on behalf of the said Asylum, all necessary agreements and contracts with the U. S. Government and the proper authorities of such other states and Territories for the reception and education of such children; and he is further authorized to receive and receipt for all moneys paid upon such account and to indorse and transfer all checks, vouchers or other evidences of payment made or received in behalf of such asylum.

SEC. 4. It is hereby made the duty of the clerks of all school districts and boards of education within the Territory of New Mexico, to report to the school Superintendent of their respective Counties, the names, age, sex and residence of all deaf or mute persons of school age residing within their respective districts together with the postoffice address of the parents or guardians of such children,

this report to be incorporated in the regular report from such school district at the time provided by law; and it shall be the duty of such school Superintendent to at once send a report to the Superintendent of this Asylum including the names and addresses of all such children within his County.

It shall then be the duty of the Superintendent of this Asylum, to at once notify the parents or guardians of such children to send the same to this Asylum for proper instruction at a time to be fixed by him.

If the parent or guardian of any such child shall make oath that by reason of his poverty he is unable to suitably clothe such child and provide means or transportation for it from its home to such Asylum, and the probate Judge of such County in which the child lives shall certify that such is the fact under the seal of his Court, then and in that case the Superintendent of said Asylum is authorized to draw a requisition upon the Board of trustees for a sufficient amount of money to suitably clothe such child and pay for its transportation to this Asylum, which requisition shall be honored by such board and such child shall thereupon be sent by its parents or guardian to such Asylum for instruction, and the provisions of section 42, chapter 25, of the Session Laws of 1891—Section 1553, C. L. 1897 in regard to compulsory attendance upon the public schools are hereby extended to and made applicable to attendance upon some school for the deaf and the mute, and the school directors of the several districts are hereby required and directed to enforce the same with regard to this Asylum in the same manner as is provided by that section for enforcing attendance upon the district schools.

Any failure on the part of any person hereinbefore mentioned to comply with the duties herein provided shall be deemed a misdemeanor and punished as such.

SEC. 5. This act shall take effect and be in force from and after its passage.

CHAPTER XLIII.

AN ACT TO REPEAL SECTION 739 OF CHAPTER 11 OF THE COMPILED LAWS OF THE TERRITORY OF NEW MEXICO, RELATING TO SHERIFFS *H. B. 58; Approved March 15, 1899.*

SECTION 1.

Be it enacted by the 33rd, Legislative Assembly of the Territory of New Mexico:

That section 739 of Chapter 11 of the Compiled Laws of the Territory of New Mexico be and the same is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER XLIV.

AN ACT FOR THE PROTECTION OF STOCK RAISERS, AND TO PREVENT THE SALE OF DRESSED MEATS FROM ANIMALS THAT HAVE BEEN STOLEN IN THE TERRITORY OF NEW MEXICO. *S. H. B. 67; Approved March 15, 1899.*

CONTENTS.

- Sec. 1. Persons offering dressed meat for sale shall exhibit the hide with such meat. Duty of butcher or dealer to keep record of brands, etc.
Sec. 2. Such record of brands, etc., open at any time to inspection. Proviso.
Sec. 3. Butcher or dealer failing to inspect hide and make record, guilty of felony. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That hereafter persons engaged in the business of butchers or of buying and selling dressed meats in the Territory of New Mexico, shall not after the passage of this Act buy from any person or persons any dressed beef, or the carcasses or portions thereof of any sheep or goat, unless the person offering such meats or any of them for sale, shall at the same time exhibit to said butcher or dealer in such meats, the hide or hides of the animal or animals from which said meat was taken and until such butcher or dealer in dressed meats shall have entered in a book, to be kept by him for that purpose, a full and complete description of such hides, giving the ear marks, brands of each hide so exhibited separately, and also the color, character and age of the animal from which each of such hides was taken, as nearly as possible, at the time.

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41, sec. 1.* SEC. 2. That the record of marks and brands and description of hides of animals, the meat of which is purchased by butchers or dealers in fresh meats, as provided for in section one of this act, shall be preserved by him, and at all times kept in a convenient place for the inspection of the inspectors appointed by the Sanitary Board of cattle owners and of any other persons who may be interested in such hides, or the animals from which the same were taken, and to the officers of the law.

Provided: Any person selling or offering for sale any fresh meats as described in this bill the same having been killed within the Territory shall produce at the time of said sale or offer for sale is made the hide of the animal or animals the meat of which he sells or offers to sell. And *provided further*, that any person in this Territory having in his possession any meat or meats from animals killed in the Territory, shall display upon demand of any inspector peace officer or citizens the hide or hides of such animal or animals the meat of which he may have in his possession.

This proviso shall not apply to nor be in force against persons who may have purchased meat from any person or persons who has [have] displayed to the purchaser the hide or hides of the animal or animals from which said meat was taken.

SEC. 3. That any butcher or dealer in dressed meats in the Territory of New Mexico, either at wholesale or retail who shall purchase the carcasses of any cattle, sheep or goats, or shall buy any portion of the carcasses of any such animal or animals, without having first inspected the hide or hides of such animal and making the record of the marks and brands of such sheep or goats, if any, and without having made the record, the marks, brands, color, and character of each hide as hereinbefore provided shall be deemed to be guilty of a felony, and upon conviction thereof, in any of the courts of this Territory, having jurisdiction of such cause shall be fined in any sum not less than Twenty-five Dollars nor more than one thousand Dollars or by imprisonment for a term not less than six months nor more than three years, or both in the discretion of the court trying said cause.

Provided, that this Act shall in no wise apply to dressed meats of any and all kinds which may or shall be shipped into this Territory from any other state or territory, nor to meats purchased by one dealer from another authorized butcher or dealer in dressed meats, who has complied with the requirements of this act and with the laws now in force relating to butchers.

SEC. 4. All Acts and parts of acts in conflict with this Act are hereby repealed, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER XLV.

AN ACT TO AMEND SECTION 1027 OF THE COMPILED LAWS OF 1897 OF THE TERRITORY OF NEW MEXICO. *H. B. 80; Approved March 15, 1899.*

CONTENTS.

Sec. 1. Printed blanks of sheriffs, constables and justices of the peace printed at their own expense.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That Section 1027, of the Compiled Laws of 1897, of the Territory of New Mexico, be and the same is hereby amended to read as follows:

All blanks which may be needed for use by any Sheriff, Justice of the Peace or Constable, for the use of or in connection with their

office, shall be prepared, either written or printed, by them, at their own expense, and wherever they may desire to have the same written or printed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER XLVI.

AN ACT TO ENFORCE THE BUILDING OF SCHOOL HOUSES IN THE SEVERAL SCHOOL DISTRICTS OF THE COUNTIES OF THE TERRITORY. *H. B. 92; Approved March 15, 1899.*

CONTENTS.

- Sec. 1. Upon petition of county school superintendent to submit the question of issuing bonds to a vote.
- Sec. 2. Failing to vote bonds, county superintendent shall order a portion of the school fund as a school house building fund.
- Sec. 3. Any person failing to perform duties required, guilty of misdemeanor. Penalty. Superintendent of public instruction to enforce this act.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1: That the County Superintendent of Schools for each county in this Territory shall have power in cases where any school district in his county does not own a school house, upon a petition signed by twenty residents of such school district, being each the head of a family and having children of school age in the family, to order the school directors of such school district to submit the question of issuing bonds of such district for the purpose of building a school house as provided for in section 1542 of the Compiled laws of 1897 to the voters of such school district, and for failure or refusal so to do, such superintendent shall remove any or all of such directors from office, and appoint others of his own choosing in their places.

SEC. 2. In cases where the question of issuing such bonds has been or shall be submitted to the voters of such school district, and shall fail to carry, then such county superintendent of schools shall in writing order the county treasurer to set aside such portion of the school fund of such district, not less than one-fifth thereof, yearly, for the purpose of eventually building a school house for such district, and such fund shall be kept for such purpose only, and such superintendent shall when in his opinion such fund is sufficiently large for the purpose, order the school directors of such district to build such school house, he to approve the contract therefor.

SEC. 3. Any person failing to perform the duties required of them by this act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred

dollars or more than five hundred dollars; and it is hereby made the duty of the Territorial Superintendent of Education or of Public Instruction to see that this act is strictly enforced, and to make all proper complaints for violation thereof; and it is further made the duty of all district attorneys to vigorously prosecute the same.

CHAPTER XLVII.

AN ACT TO REQUIRE THE TREASURER OF THE CHILILI LAND GRANT TO FURNISH BONDS, AND FOR OTHER PURPOSES. *S. H. B. 113; Approved March 15, 1899.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1: That the special act heretofore passed incorporating the Chilili Land Grant and providing officers therefor, be, and the same is hereby amended by adding to Section Three thereof the following:

Provided, That the treasurer elected for said trustees shall give a bond in the name of the Territory in the sum of fifteen hundred dollars with two securities conditioned that the said treasurer will faithfully discharge all his official duties account for all moneys which shall come into his possession by virtue of the said office, and pay the same over to the persons justly and legally entitled to receive the same, which said bond shall be approved by the county commissioners of Bernalillo County, New Mexico.

SEC. 2: This act shall be in full force and effect immediately after its passage.

CHAPTER XLVIII.

AN ACT ENTITLED AN ACT FOR THE SUPPLYING OF COUNTIES WITH COPIES OF THE COMPILED LAWS OF 1897 FOR THE USE OF THE JUSTICES OF THE PEACE. *C. B. 71; Approved March 15, 1899.*

CONTENTS.

- Sec. 1. Compiled Laws of 1897 donated for the use of the justices of the peace.
- Sec. 2. Probate clerk shall deliver for the use of such officer and his successor in office.
- Sec. 3. Justices of the peace responsible for, upon their official bond, etc.
- Sec. 4. Laws of 1897 in conflict herewith repealed.

Be it enacted by the 33d Legislative Assembly of the Territory of New Mexico:

SECTION 1. That there is hereby set aside from the number of copies of Compiled Laws of 1897 in the hands of the Territorial Li-

brarian and donated to the various Counties a sufficient number to supply one to each qualified and acting Justice of the Peace in the various precincts of this Territory. The volumes shall be the property of the Counties for the sole use only, of the Justices of the Peace of the respective precincts therein. They shall be shipped to the Probate Clerks by the Territorial Librarian upon a requisition from each Probate Clerk, setting forth under oath, the number of qualified and acting Justices of the Peace in his county, and the librarian shall take credit for the number so shipped and file the requisition in his office as his receipt therefor. *Provided* that the Justice of the Peace so having received a copy of the Compiled Laws may deliver the same to his successor in office and take his receipt therefor and said receipt may be received by the Probate Clerk.

SEC. 2. Upon receipt of the volumes the Probate Clerk shall notify the different Justices of the Peace that he has the volumes for delivery and he shall deliver one to each qualified and acting Justice of the Peace, upon receipt from such officer of the pro rata amount of the express or freight charges upon such volume, and upon such officer giving a receipt to the county that he has received the same in good condition, which receipt the Probate Clerk shall take and file to be returned to the Justice of the Peace as hereinafter provided.

SEC. 3. Each Justice of the Peace shall be responsible under his official [official] bond, for the safe and proper keeping and the return of the volume so delivered to him. At the expiration of the term of office of each Justice of the Peace, he shall deliver to the Probate Clerk of his county, such volume in good condition and withdraw his receipt for the same, *Provided*, that if the book so returned has become so mutilated or disfigured while in the hands of said Justice of the Peace, as to be practically of no further use, the Probate Clerk shall refuse to receive the same or surrender the receipt, and the Justice of the Peace shall pay the Probate Clerk the amount charged by the Territory for such laws. Upon receipt of such amount, the Probate Clerk shall deliver to him both the volume and his receipt and forward the amount so received, to the Territorial Treasurer for the credit of the library fund, and the Treasurer shall notify the librarian of the receipt of the same and the librarian shall forward the Probate Clerk sending the amount, another copy of the laws. *Provided further*, that if the volume has become so worn or delapidated [dilapidated] through having been in long and constant use and parts of it are not torn out and missing, and the Probate Clerk is satisfied that the condition of the book is not the fault of the officer returning it, then he shall surrender the receipt and accept the volume and forward the same to the Territorial Librarian and receive a new one in return therefor, the county of such Probate Clerk to pay the carrying charges on both volumes. If in

the judgment of the librarian the book is worth rebinding, he shall have the same rebound and pay for it out of the library fund.

SEC. 4. That so much of Chapter 43 of the Session Laws of 1897 as is in conflict with the foregoing sections of this act is hereby repealed.

SEC. 5. This law shall be in full force and effect from and after its passage and approval.

CHAPTER XLIX.

AN ACT TO PROVIDE FOR THE ASSESSMENT OF PROPERTY IN THE TERRITORY OF NEW MEXICO. *C. B. 116; Approved March 15, 1899.*

CONTENTS.

Sec. 1. The assessment and collection of taxes on land grants.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the possession, right of possession and any interest or equity of, in and to any land or lands in this territory existing or accruing by, through or under any confirmed land grant originating in or derived from the Mexican or Spanish government, or decree of courts confirming the same is hereby declared and made a subject of taxation although patent for such lands may not have been issued; And the same shall be assessed to and against the persons to whom the grant shall be confirmed or decree of court in whose favor has been issued or their heirs or assigns; and if such person or persons cannot be readily ascertained, it shall be lawful to assess such possession, right of possession, interest or equity of, in and to such confirmed land grant or land grants, for which a decree of court has been entered, describing such land grant as belonging to "unknown owners," and the same proceeding may be had to enforce the collection of the tax levy as is prescribed by the provisions of an act entitled "An Act to provide for the assessment and collection of taxes in the Territory of New Mexico," approved on the first day of March, A. D. 1899, and the purchaser at any tax sale of such possession, right of possession or equity shall succeed to and be vested with all the rights, benefits, interest and title as is possessed by or vested in the person or persons claiming the possession, rights of possession or equity at the time such assessment shall have been made, and if patent for such land shall thereafter issue, such patent shall inure to the benefit of such purchaser, *Provided*, that such person or persons claiming the right of possession or equity at the time of such assessment, shall have the right of redemption as

provided by law in the sale of real estate for taxes. *Provided, further* that whenever the possession, right of possession or any interest or equity in and to any land grant, or land grants, under the provisions of this act may be held or claimed by more than one person, or in which undivided interests are held or claimed in cotenancy or by co-owners, than [then] it shall be the duty of the assessor to assess the same as belonging to unknown owners. *Provided Further,* That any sale for taxes of any land grant, possession, right of possession, or any interest or equity in and to any land grant, or land grants, or any portion thereof made under the provisions of this Act, or of other revenue laws of this Territory, it is hereby declared to be subject to any lien which the United States may have, or may thereafter have, upon the land embraced within said grant for the expenses of making survey and plat for any part thereof as provided by any Act of Congress, and the collector of taxes is hereby required and directed to insert in any certificate given by him of the sale of any such grant of land or any part thereof for taxes, a clause specifically stating that the sale is made subject to such lien of the United States.

SEC. 2. This act shall be in full force and effect from and after its passage.

CHAPTER L.

AN ACT RELATING TO SALES OF COAL OIL AND ITS PRODUCTS. *C. B. 131; Approved March 15, 1899.*

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CONTENTS.

- Sec. 1. Territorial Commerce Commission created. Appointed by the governor. Organization.
- Sec. 2. License required authorizing sale of coal oil. Amount of. When may be revoked. Doing business without license, a misdemeanor.
- Sec. 3-4. Retail license. Combination to monopolize, works revocation.
- Sec. 5. Wholesale and retail dealers defined. License fee. Producer and refiner defined.
- Sec. 6. Sale of coal oil commodities without license, a misdemeanor. Penalty.
- Sec. 7. Agent defined. Misdemeanor.
- Sec. 8. Commission shall fix maximum price and other duties.
- Sec. 9. Solicitor general shall prosecute for violation of law.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. There is hereby created a board, to be known and called the Territorial Commerce Commission, to have such jurisdiction as may be lawfully conferred upon it by this act, or by any other act of the Legislative Assembly of the Territory of New Mexico, Said Commission shall consist of three members, and shall be

appointed by the Governor in the same manner prescribed by law for the appointment of other territorial officers, and who shall hold their offices for two years and until their successors are appointed and qualified. After their appointment they shall proceed to organize by the election of one of their number president, and another secretary. Said Commission shall have full power to adopt such lawful rules and regulations in relation to the matters and things submitted [submitted] to their jurisdiction as they may see fit.

SEC. 2. No corporation, either foreign or domestic, engaged in the business of producing or refining petroleum or coal-oil, or the products thereof for illuminating purposes, shall have the right to sell said commodities within the Territory of New Mexico, until a license has been issued by said Territorial Commerce Commission authorizing such corporation to engage in the business of selling and disposing of such products. No such license shall be issued in case of any foreign corporation until it shall have complied with the laws of the Territory of New Mexico, authorizing it to do business in the Territory, and then only upon written application therefor. For such license every such corporation shall pay the sum of five hundred dollars, to be paid into the Territorial Treasury, and to be credited to the miscellaneous fund. Said license shall authorize such corporation to do business for the period of one year unless sooner revoked. Upon complaint by any citizen of the territory that any such corporation has been guilty of violating any of the provisions of sections 1292, 1293 or 1294 of the Compiled Laws of 1897, as to any County, City, Town or village in the Territory, the license granted to it to do business may be revoked. For the purpose of determining whether or not such corporation has been guilty of such violation, it shall not be necessary that any indictment shall have been found and conviction had thereon under the aforesaid provisions of the Compiled Laws. Said commission may inquire into the facts of any alleged violation of said sections, and if upon such inquiry it is determined that said provisions have been violated, it shall revoke the license of such corporation. If any such corporation shall attempt to do business in this Territory without having obtained such license, or, if having obtained the same, shall attempt to do business after revocation thereof, it and its agents shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five thousand dollars, or, in the case of a natural person, imprisoned for a period not to exceed two years in the Territorial Penitentiary, or by both such fine and imprisonment.

SEC. 3. No corporation, partnership or person shall engage in the business of selling at retail any of the said commodities mentioned in section two of this act in the Territory of New Mexico, until a license has been applied for, and issued by said Commission,

such license shall be for the period of one year, unless sooner revoked by said Commission. Whenever said Commission is satisfied that such corporation, partnership or person has entered into any combination to purchase such commodities from any corporation, partnership or person not authorized to do business in said Territory, for the purpose of bringing them into the Territory and disposing of them in violation of section 1293 of the Compiled Laws of 1897, and is thereby monopolizing or attempting to monopolize the trade or commerce of any part of the Territory in said commodities, it shall forthwith revoke the license of any such licensee.

SEC. 4. No corporation co-partnership or person shall sell or dispose of, or offer to sell or dispose of, any of said commodities mentioned in section two of this act, produced or refined in this Territory or elsewhere, until a license has been procured in the manner provided for in the preceding sections, and it shall be the duty of the said Commission, whenever it is satisfied that the licensee to whom such license has been granted has entered into any combination with the producer, refiner or dealer from whom such commodity has been purchased, in violation of Section 1293 to forthwith revoke such license.

SEC. 5. All corporations co-partnerships or persons who purchase and sell more than three thousand dollars in value of such commodities per annum, estimated at the market price therefor, shall be deemed wholesale dealers, and all others shall be deemed retail dealers. Said Commission shall charge for a wholesale license the sum of twenty-five dollars, and for retail license the sum of one dollar. The corporations mentioned in sections two and three of this act shall be deemed producers and refiners, and any corporation whether actually engaged in producing and refining said commodities or engaged in the distribution of said commodities as the agent under any contract or arrangement with the actual producer and refiner thereof, shall nevertheless be deemed such producer or refiner.

SEC. 6. Any corporation, co-partnership or person engaged in the business of buying and selling any of said commodities, either as wholesale or retail dealers, as defined in the preceding section, who shall sell or offer to sell any of said commodities without having first obtained the license authorizing such sale, or who shall sell or offer to sell the same after such license authorizing such sale has been revoked, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred, nor more than one thousand dollars, and in the case of a natural person, by such fine or not more than one year's imprisonment, or by both such fine and imprisonment.

SEC. 7. Every person, corporation or firm entering into any contract or agreement to purchase, sell or dispose of any of said

products from any corporation whose license has been revoked, or to whom license has not been issued, shall be considered the agent of such corporation from whom such products are purchased or agreed to be purchased, and for whom the same are to be sold, and shall, upon conviction of purchasing, selling or disposing of the same, when such corporation is not authorized to do business in the Territory of New Mexico, be deemed guilty of a misdemeanor, and punished as provided for in section two of this act.

SEC. 8. The said Commission shall have power to inquire into the cost of production and transportation of the products above mentioned, and from time to time shall fix the minimum and maximum prices at which the same may be sold in the Territory; and whenever it shall appear that any corporation, its agents or employees are selling such products at less than the minimum price fixed therefor, or for more than the maximum price fixed therefor, such fact shall be deemed evidence of the violation of section 1293 of the Compiled Laws of 1897, for the purpose of the revocation of any license which may have been granted, and it shall be the duty of the said Commission, upon ascertaining such fact, to revoke the license of said corporation.

SEC. 9. It shall [be] the duty of the Solicitor General of the Territory upon the request of said Commission, whenever, any corporation co-partnership or person persists in doing business in said Territory in violation of this act, to proceed by injunction to prevent them from so doing, and it shall be the duty of the Court to whom such application is made, having jurisdiction thereof, whenever it appears that business is so being unlawfully done, to grant such injunction.

SEC. 10. This act shall take effect from and after its passage, and all laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER LI. *Repealed L. 1903, p. 80, sec.*

“AN ACT FOR THE PROTECTION OF GAME AND FISH IN THE TERRITORY OF NEW MEXICO.” *S. C. B. 2; Approved March 15, 1899.*

CONTENTS.

- Sec. 1. Limits the killing of certain game in the northern counties, and in the southern counties, with proviso.
- Sec. 2. Prohibition, upon petition of fifty voters, enforced by the county commissioners.
- Sec. 3. An owner or lessee of lands enclosed, upon giving notice it shall be unlawful to trespass upon said premises. Violation a misdemeanor.
- Sec. 4. Violation of any of the provisions of this act shall be deemed misdemeanor. Penalty.

Sec. 5. This act shall apply to Indians on or off the reservation.

Sec. 6. Upon petition of twenty-five voters county commissioners may suspend the restriction as to killing quail.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That after the passage of this act it shall be unlawful to kill, wound, snare or trap any quail, grouse, prairie chicken, pheasant, partridge or wild turkey, or to kill, wound or in any way destroy any antelope, deer [deer], elk or mountain sheep, except that said birds or animals, the animals being with horns, may be killed with a gun during the months of September, October and November of each year in the Counties of Rio Arriba, San Juan, Taos, Colfax, Union, San Miguel, Guadalupe and Santa Fe, and during the months of October, November and December in all the other counties of the Territory; and, *Provided*, that no person shall kill or have in his possession more than one antelope, elk, mountain sheep or deer at any one time.

SEC. 2: Whenever in any county of this territory a petition shall be signed by fifty qualified voters thereof and presented to the board of county commissioners of such counties praying for the prohibition of the killing, destroying or snaring of any deer, antelope, turkey or other wild game or game birds in said county or any part thereof, when such petitioners reside particularly described in said petition, or for the prohibition of the catching of fish by line or in any other manner in said county, or in any particular stream, pond, lake or reservoir or portion thereof particularly described in such petition, in the neighborhood where such petitioners reside it shall be the duty of such board of county commissioners to publish notice of the prohibition under this act against the killing, destroying or snaring of such birds or game described in such petition in said county or portion thereof, particularly described in such petition, or the catching or killing of any fish in said county or in any particular stream, pond lake or reservoir or portion thereof described in said petition, which said notice in both Spanish and English shall be published in four consecutive publications in some weekly newspaper in general circulation published in said county, and from the date of the completion of such publication and for a period of two years thereafter, it shall be unlawful in said counties to kill any game or game birds mentioned in said petition in said county or in any part thereof described in said publication, or to catch or kill any fish so described in said county or such stream, pond lake or reservoir thereof so particularly described in said petition and publication.

SEC. 3: Whenever the owner or lessee of lands within any enclosure or pasture in this territory shall desire to protect or propagate any game birds or animals or any fish in any stream in said

enclosure, he may publish notices of such fact in both English and Spanish warning all persons not to hunt or fish in such enclosure or pasture, or water described which notice shall be by handbills posted in at least three conspicuous places on said premises, and by publication in some newspaper of general circulation in said county, which notices so posted and published shall be for the period of three weeks or three consecutive publications of the paper in which the same may be published. After the publication of such notice, it shall be unlawful for any person or persons to trespass on said premises for the purpose of hunting or fishing, "and any violation of the provisions of this section shall be and constitute a misdemeanor [misdemeanor]." (And the presence of any person on such premises with dogs or guns, or line or either, or other implements of hunting or fishing, shall be presumptive evidence for the purpose of trespassing.)

Memorandum.—For the above inserted in parenthesis see note at end of this chapter.

SEC. 4: The violation of any of the provisions of this act shall be deemed a misdemeanor and any person convicted thereof shall be fined in a sum of not less than \$25.00 or more than \$100.00 for such offense and upon default in payment thereof shall be imprisoned in the county jail for a period of not less than ten days or more than sixty days.

SEC. 5: The provisions of this act shall apply to all indians on or off the reservations or coming to this territory from adjoining states or territories, and it is hereby made the duty of the Secretary of the Territory to make certified copies of this act within ten days after the passage thereof and send the same by registered mail to each and every indian agent in the Territory of New Mexico.

SEC. 6: Upon the presentation to the board of county commissioners of any county of the petition of twenty-five resident householders of any precinct in such county praying for the suspension of the restrictions of Section 1, of this act as to the killing of quail in said precinct, it shall be the duty of said board of county commissioners before which such petition is presented, to make and enter in the official record of the proceedings of such board of county commissioners an order extending the time within which quail may be killed, snared or trapped, in said precinct for a period of two months from and after the time limited in the exception created in said Section 1.

SEC. 7. This act shall take effect and be in force from and after its passage.

NOTE.—The erasure of lines (two and a half) at end of section 3, was made by J. A. Ancheta, chairman enrolled and engrossed bill before approval, in my presence
(Signed)

MIGUEL A. OTERO,
Governor of New Mexico.

CHAPTER LII.

AN ACT RELATING TO DELINQUENT TAXES. *C. B. 128; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Accrued penalties and interest "upon taxes delinquent," shall be remitted when paid on or before July 1st, 1899.

Sec. 2. Delinquent taxes 1896 and 1897 distributed as follows: One half to general county fund and one half to general school fund.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That all accrued penalties and interest upon taxes now or heretofore in this year delinquent, shall be remitted upon all such taxes which have been or shall be paid on or before the first day of July, A. D. 1899. *Provided, however,* that in all cases where taxes are now the subject of litigation the time for such payment as aforesaid is extended only to the first day of July, 1899, and if not paid on or before such first day of July no abatement of interest or penalties shall thereafter be made.

SEC. 2. That all delinquent taxes for the years 1896, and 1897 be distributed as follows: One-half thereof to be paid into the General County Fund, and one-half thereof to be paid into the General School Fund of the respective counties in which they are collected.

SEC. 3. This act shall take effect from and after its passage; and all laws and parts of laws in conflict h[e]rewith are hereby repealed.

CHAPTER LIII.

AN ACT IN RELATION TO THE SHIPMENT OF CATTLE, TO PROVIDE FOR THE INSPECTION OF THE SAME, AND TO REPEAL SECTIONS 211 AND 221 OF THE COMPILED LAWS OF NEW MEXICO OF 1897. *C. S. H. S. C. B. 45; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Unlawful to ship cattle to points within or without the territory unless first inspected and a certificate thereof issued and delivered to carrier.

Sec. 2. Fee for inspection a lien. Inspector shall keep a record and file copy thereof with Cattle Sanitary Board.

Sec. 3. Violation of the provisions of this act shall be a misdemeanor. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1: That hereafter it shall be unlawful for any person, firm or corporation to offer, and for any railroad company or other

common carrier to receive for purpose of shipment and transportation from points within to other points within or beyond the limits of the Territory, any herd, band or consignment of cattle unless the same shall have been duly inspected by a duly authorized inspector and a certificate of such inspection issued by such inspector as required by the laws of this Territory.

SEC. 2. That there shall be a fee or charge for the inspection of cattle hereafter inspected under the provisions of this Act of three cents per head, and such fee or charge shall be a lien upon the cattle inspected under the provisions of this Act until the same shall be paid; each inspector of cattle shall keep a complete record in a proper book of all cattle inspected by him, giving all brands and marks and the name or names of the shipper or shippers of the same, and a copy of said record shall be filed with and preserved by the Cattle Sanitary Board of the Territory.

SEC. 3: That any person, firm, corporation, common carrier, railroad company or agent thereof violating any of the provisions of this Act or refusing to permit the inspection of any cattle as by this Act provided, shall upon conviction thereof be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding one thousand dollars for each violation of the provisions of this Act.

SEC. 4: That Sections 211 and 221 of the Compiled Laws of New Mexico of 1897, be, and the same are hereby repealed; and this Act shall take effect and be in force from and after its passage.

CHAPTER LIV.

AN ACT TO AUTHORIZE THE BUILDING AND REPAIR OF SIDEWALKS IN CITIES TOWNS, AND VILLAGES. *C. B. 104; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Authorizes ordinances for the building of sidewalks in municipalities of over 2,000 population and make the same a lien on the premises. Notice.
- Sec. 2. Clerk shall levy special tax and make out and certify a tax bill therefore bearing interest.
- Sec. 3. Clerk shall register such tax bill. Contents thereof.
- Sec. 4. Such special tax bills shall be assignable with right of action in court. Municipality not liable for costs.
- Sec. 5. Of non-resident owners and service of notice of ordinance to construct.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That whenever in the opinion of the City Council, or Board of trustees of cities towns or villages having more than two thousand population, the building, rebuilding or repairing of any sidewalks along any street or avenue in such city or town, may be

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necessary, the said city council or board of trustees, shall cause a notice ordinance to be given to the owners or persons in charge of the property, lot, or lots adjoining the sidewalk proposed to be built, rebuilt or repaired, to build, rebuild or repair the same, of, or with the material, and of the dimension[s] and within the time to be prescribed in such order, and upon the failure of such owners or persons in charge to build, rebuild or repair said sidewalk in accordance with said order, then the said city council or board of trustees shall cause said sidewalk to be built, rebuilt or repaired of the material and dimensions specified in the said order; and upon the completion of said work, the city council or board of trustees shall by ordinance levy a special tax, upon the owners of the said property, lot or lots adjoining the sidewalk so built, rebuilt or repaired, to pay the cost of said work, specified in said ordinance, and the same shall be a lien upon the property, lot or lots adjoining which the said sidewalk has been so built, rebuilt or repaired from the date of the completion of the same.

SEC. 2. It shall be the duty of the city clerk, town clerk, or village clerk, immediately after the levy of such special tax to make out and certify a special tax bill or bills, in favor of the person or persons who has or have done such work, and furnished the materials therefor against the property, lot or lots charged with such lien and against the owner or owners thereof. The said tax bill or bills shall bear interest at the rate of 12 per cent from the time the same is issued, and if not paid in six months after such date, then, at the rate of eighteen per cent per annum until paid.

SEC. 3. All tax bills issued under this act shall be registered by the city clerk town clerk or village clerk, in a book to be kept for that purpose, and by him delivered to the parties in whose favor issued, for collection, and he shall take the receipt of such party therefor, in full for all claims against the city, town or village on account of said work and material. Each tax bill shall contain a description of the lots or parcels of land against which it is issued, full and correct enough to identify the same, and the amount for which the same is a lien upon said property, and the name of the person in whose favor the same is issued, together with the number and title of the ordinance levying such special tax.

SEC. 4. That said special tax bills shall be assignable and an action may be brought in the name of the city town or village to the use of the holder thereof, in any court of competent jurisdiction, but the city town or village shall, in no event be liable for any costs in such action; and in any suit or proceeding to enforce the collection of any such tax bill or bills, it shall only be necessary for the owner thereof, to charge in the petition, that such an amount is due by the defendant to the plaintiff, for a certain improvement, specifying the same, and that said tax bill was issued by virtue of a certain ordi-

nance giving its number, title and date of adoption only; and in case the owner of any such property, lot or lots is a non-resident, suit may be brought as in other suits *in rem* against non-residents. Such special tax bills shall in any action thereon, be prima facie evidence of the regularity of the proceedings for such special assessments of the validity of the bill, of the doing of the work and of the furnishing the materials charged for, and of the liability of the property to the charge stated in the bill.

SEC. 5. In case the owner or owners of any of the property or lots adjoining such proposed sidewalk, shall be a non-resident and there shall be no person resident in said city or town in charge of the same, then, the notice provided for in section one, shall be given by posting in the most conspicuous [conspicuous] place upon the said premises a copy of the said notice.

SEC. 6. All acts and parts of acts in conflict herewith, are hereby repealed; and this act shall take effect and be in force from, and after its passage.

CHAPTER LV.

AN ACT IN REFERENCE TO THE JURISDICTION OF THE DISTRICT COURTS IN CERTAIN CRIMINAL CASES, AND TO REPEAL SECTION 3403 OF THE COMPILED LAWS OF 1897, AND FOR OTHER CASES.
C. B. 126; Approved March 16, 1899.

CONTENTS.

- Sec. 1. Criminal cases pending in counties out of which in whole or part other counties shall have been formed: jurisdiction shall continue. Proviso.
Sec. 2. Repeales section 3403 of the Compiled Laws of 1897. Judge may admit to bail where person has been jailed for two consecutive terms of court.

Be It Enacted By The Legislative Assembly Of The Territory Of New Mexico:

SECTION 1. All criminal cases now pending on indictment in any county of this territory from which county a new county has been in whole or in part organized, shall continue in the jurisdiction of the District Court in the county wherein the indictment in such case now pending was found, and such court shall have jurisdiction to try and determine said case, and the District Court of the new county shall in no manner have jurisdiction thereof unless the venue shall be changed thereto in the manner now provided by law. And in all counties out of which new counties shall hereafter be organized in whole or in part, the jurisdiction in all criminal cases pending therein by indictment prior to the organization of such new county, shall continue in the county where the indictment was found, and such court shall have jurisdiction to try and determine said case and

the new county so organized shall not have jurisdiction in such criminal cases except by means of a change of venue in the manner now provided by law.

SEC. 2. Section 3403 of the Compiled Laws of 1897 is hereby repealed, *Provided*, That the judge of the court where any indictment may be pending may, in his discretion, admit to bail any person accused by indictment of a capital crime wherein the proof was evident or the presumption so great that the party so accused was not entitled to bail, after such person shall have been confined in jail for two consecutive terms of court without trial, subsequent to the term at which the indictment may have been presented.

SEC. 3. This act shall be in force and effect from and after its passage.

CHAPTER LVI.

AN ACT FOR THE PROTECTION OF THE FRUIT INTEREST AND THE FRUIT GROWERS IN THE TERRITORY OF NEW MEXICO. *C. B. 139; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Fruit infected, the introduction of may be forbidden on petition.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. After the passage of this Act Boards of County Commissioners in the various counties of this Territory are authorized and empowered and it is hereby made their duty whenever a petition is presented to them signed by twenty-five fruit growers, owners of orchards and residents of the county, stating in substance that there is danger in the introduction in said county of the "Codling moth" or other worms or insects destructive to fruit by reason of the shipment of apples or other fruits into said county, and when said commissioners upon examination are satisfied of the truth of the petition presented, they may by proclamation prohibit the shipment of fruit into said county by an imposition of a license or other lawful means, which said commissioners may deem best and most effective to accomplish the purpose of this Act.

SEC. 2. This act shall take effect and be in force immediately after its passage.

CHAPTER LVII.

AN ACT TO AMEND SECTION 2299 AND TO REPEALED [REPEAL] SECTIONS 2309, 2310 AND 2288 OF THE COMPILED LAWS OF 1897.
C. S. H. B. 54; Approved March 16, 1899.

CONTENTS.

Sec. 1. Amends section 2299 of the Compiled Laws of 1897. Mining claims shall be marked by posts or monuments at each corner.

Sec. 2. Repeals sections 2309, 2310 and 2288 of the Compiled Laws of 1897.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That Section 2299 of the Compiled Laws of 1897, be amended so as to read, as follows:

"Section 2299. The surface boundaries [boundaries] of mining claims hereafter located shall be marked by four substantial posts or monuments, one at each corner of such claim, so as to distinctly mark the claim on the ground, so that its boundaries [boundaries] can be readily traced, and shall otherwise conform to Section 2286 of the Compiled Laws of 1897."

SEC. 2. That Section[s] 2309, 2310 and 2288 of the Compiled Laws of 1897 be and the same are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER LVIII.

AN ACT TO PROVIDE FOR THE REFUNDING OF THE BONDED INDEBTEDNESS OF THE TERRITORY OF NEW MEXICO, AND THE VARIOUS COUNTIES AND THE MUNICIPALITIES THEREOF. *H. A. to A. C. B. 58; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Bonds may be surrendered in exchange for new bonds authorized.

Sec. 2. New bonds shall be known as "General Refunding Bonds." Form and payment of same.

Sec. 3. Date of maturity, interest. Bond and coupon numbered the same.

Sec. 4. Signing and attestation of bonds. Delivery of.

Sec. 5. Record and destruction of territorial bonds surrendered. Issuance and record of new bonds.

Sec. 6. Tax levy for sinking fund after ten years.

Sec. 7-8. Redemption of twenty-five per cent. of bonds after twenty years. Notice.

Sec. 9. Default of interest, coupons shall be accepted in payment of taxes.

Sec. 10. Coupons received in payment of taxes shall be burned.

Sec. 11. Auditor shall levy tax to pay interest and sinking fund.

- Sec. 12. Outstanding bonds due at option of the territory, but not surrendered; new bonds may be sold for redemption of the former.
- Sec. 13. Every county and municipal corporation authorized and required to compromise and refund its matured and maturing indebtedness and to issue bonds, etc.
- Sec. 14-15. Of new bonds issued by counties and municipalities. Form. Terms and payment of. Tax levy.
- Sec. 16. Of the surrender, record and destruction of old bonds, and the substitution of new bonds, record and delivery of same.
- Sec. 17. Of tax levy for payment of interest on new municipal bonds issued. Such funds shall not be diverted to other purposes. Misdemeanor.
- Sec. 18. Failure to levy and collect tax for interest on the bonds. Misdemeanor. Penalty.
- Sec. 19. Sinking fund for the payment of county and municipal bonds.
- Sec. 20-21. Redemption of county and municipal bonds. Notice.
- Sec. 22. Certain municipal indebtedness and warrants may be paid or cancelled by bonds issued.
- Sec. 23. Outstanding county or municipal bonds due at the option of the county or municipality, but not surrendered. New bonds may be sold for redemption of the former.
- Sec. 24. Of "general refunding bonds" issued by counties and municipalities.
- Sec. 25. Record and destruction of county and municipal bonds surrendered. Issuance and record of new bonds.
- Sec. 26. Of issuing refunding bonds, school districts or boards of education.
- Sec. 27. Default in payment of interest in county or municipality, coupons may be tendered and must be accepted in payment of taxes in the county or municipality where issued.
- Sec. 28. Destruction of coupons received in payment of municipal taxes.
- Sec. 29. Of counties wherein bonded indebtedness is in excess of fifteen per cent. of assessed valuation.
- Sec. 30. Issuing of false certificates, felony.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

cf. 1903, p. 25
cc. 1 to 2. SECTION 1. Any holder or holders of bonds hereinafter mentioned or any portion thereof heretofore issued, or authorized by the Territory of New Mexico, shall have the right, upon the surrender as hereinafter provided, of such bonds or any portion thereof for cancellation, to have issued to them new bonds of said territory, as provided by this act, in exchange therefor, and in redemption thereof, according to the face value of the bonds so surrendered, including accrued interest upon said bonds then due and unpaid.

SEC. 2. New bonds so issued by said territory in exchange for bonds so surrendered, shall be known and styled general refunding bonds of the Territory of New Mexico, and shall be issued in amounts of one hundred dollars (\$100.) or multiples thereof. They shall be payable in lawful money of the United States and in such form as may be prescribed [prescribed] by the Solicitor General of said Territory [territory], and shall be uniform in wording and numbered consecutively, beginning with number one (1), both principal and interest to be payable at the office of some bank or trust company in the City of New York, as may be designated by the Governor of said Territory.

SEC. 3. Said bonds shall be absolutely due and payable in thirty years after date thereof, and bear interest at the rate of four (4) per cent per annum, payable semi-annually, on the first day of March, and the first day of September, in each year until the redemption thereof, which interest shall be represented by coupons thereto attached, which coupons shall be in substance and form prescribed by the solicitor General of the Territory, and bear the same number as the bond to which they are attached; and such bonds shall be redeemable at the option of the territory on and after twenty (20) years from the dates of their issuance respectively.

S53. 4. Said bonds shall be signed by the Governor and counter signed by the Treasurer of said Territory, and the great seal of the Territory of New Mexico shall be thereto affixed, attested by the secretary thereof, and the lithographed signature of the Treasurer of said Territory shall appear on the coupons attached thereto, and such bonds shall only be issued upon the surrender and delivery by the legal owner, holder or his agent of the bonds in lieu of which the same are so issued, except as otherwise provided in Section 12 of this act.

SEC. 5. That upon the surrender and delivery of any Territorial bonds under the provisions of this Act, there shall be noted upon the records of and by the Treasurer, the fact of such surrender and delivery by number, amount and date of such surrender and the character of the bond so surrendered, and the date, number and amount of the new bonds issued in lieu thereof; and there shall also be noted on a new record to be prepared and kept by such Treasurer, for such purpose, the date, number and amount of any such bonds issued under the provisions of this Act, and the number, date, amount and date of surrender of the bond or bonds in lieu of which the same was so issued, and all bonds so surrendered in lieu of which new bonds have been issued, shall be burned in the presence of the Governor, Auditor and Treasurer, and upon the destruction of said old bonds so surrendered and the issuance of any bonds in lieu thereof, hereunder, a certificate of such destruction and the issuance of said new bonds, giving date of issuance amount, number and character of such old bonds, and the Act under which the same was passed, so surrendered and destroyed, and of the numbers, date of issuance, and amount of said new bonds, so issued in lieu thereof, shall be signed by the Governor, Auditor and Treasurer, and shall be filed and entered of record in the office of the Territorial Treasurer in a book to be by him prepared for such purpose.

SEC. 6. Beginning at the end of the tenth (10) year and continuing for ten (10) years after the issuance of any bonds hereunder, the Territorial Auditor shall cause to be levied an annual tax upon all the taxable property in the territory sufficient to produce each year a sinking fund equal in amount to two and one-half (2½)

*included
901, p. 92
cc. 1.*

SEC. 13. Every County, city, town, village and school district within this Territory, is hereby authorized and required to compromise and refund its matured and maturing indebtedness, evidenced by outstanding bonds, interest coupons, judgments or other lawful, outstanding indebtedness, hereinafter mentioned, whenever the holders and owners thereof shall consent thereto, and to issue new bonds as provided in this Act, in payment or exchange at par for any sum so compromised or refunded in the manner hereinafter provided.

*included
901, p. 92
cc. 2.*

SEC. 14. Such new bonds so issued by any of such counties under the provisions of this Act, shall be known and styled General County Refunding bonds of the County of Territory of New Mexico, and shall be issued in amounts of one hundred dollars (\$100) or multiples thereof. They shall be payable in lawful money of the United States, and they shall be in negotiable form, and they shall carry a binding recital that they are issued under this Act, and that the terms and conditions thereof have been fully complied with by the authorities concerned in their issuance, and be in such form as may be prescribed by the Solicitor General of the Territory of New Mexico; and each issue thereof, for any one amount shall be in uniform wording and numbered consecutively, beginning with number one (1) and both principle [principal] and interest thereof, shall be payable at the office of some bank or trust company in the City of New York, as may be designated by the Governor of the Territory.

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901, p. 92
cc. 3.*

SEC. 15. Such County Bonds shall be absolutely due and payable in thirty (30) years and bear interest at the rate of four ($\frac{1}{2}$ per cent) per cent per annum, payable semi-annually, on the first [first] day of March and the first day of September, in each and every year until the date of the redemption thereof, which interest shall be represented by coupons thereto attached; each coupon shall be in substance and form as may be prescribed by the Solicitor General of such Territory and bear the same number as the bond to which they are attached, and such bonds shall be redeemable at the option of the County issuing the same on and after twenty (20) years from the date of their issuance respectively according to the priority and the number thereof. Said County bonds shall be signed by the Chairman of the Board of County Commissioners, and Countersigned by the Treasurer of the County issuing the same, and the seal of the County for which the same are so issued shall be thereto affixed [affixed], attested by the clerk of said County. The lithographic signature of the Treasurer of said County, shall appear upon the coupon [coupon] attached thereto, and such bond shall also be issued upon the surrender and delivery of the legal owner, holder, or his agent of the outstanding bonds and interest coupons in lieu of which the same are so issued.

SEC. 16. That upon deliver[y] of any county bonds under the provisions of this act there shall be noted upon the record of the Treasurer of said County, the fact of the surrender of any outstanding bonds and delivery thereof, by number, amount and date of such surrender and delivery, and the character of the bond so surrendered and delivered, the date, number and amount of the new bonds issued in lieu thereof, and there shall also be noted upon a new record to be prepared by such treasurer for such purpose, the date number and amount of any such bonds issued under the provisions of this act, and the number, date, and date of surrender of the bond or bonds in lieu of which the same was so issued and all bonds so surrendered in lieu of which new bonds have been issued, shall be burned in the presence of the Chairman and clerk of said Board of County Commissioners and the Treasurer of said county. Upon the destruction of any bonds so surrendered for issuance, of any bonds in lieu thereof under the provisions of this act, a certificate of such destruction, and of the issuance of such new bonds, giving the date of issuance, amount, number and character of such old bonds so surrendered and destroyed, and the number, date and date of issuance and amount of said new bonds so issued [issued] in lieu thereof, shall be signed by the Chairman and Clerk of said Board and the Treasurer of the County so issuing the same, and shall be filed and entered of record in the office of the Treasurer of said County in a book to be by him prepared for such purposes; said certificate shall be issued in duplicate, the duplicate certificate to be filed and entered of record in the office of the Probate Clerk of such County.

SEC. 17. Due and sufficient provision for the payment of the interest semi-annually accruing on all bonds issued under the provisions of this Act shall be made in each and every year by the authorities authorized by law to assess and levy taxes in any County, City, town or Village, school district, or other municipality respectively concerned, and in case of failure to make such due and sufficient provision in any general tax levy, such authority shall immediately make a special tax levy adequate for such provision, and in case of the failure of any officer or authorities legally and adequately, to assess such property and levy and collect taxes for the payment of such interest according to the intent of this Section, or to perform any duties hereby enjoined or in case of absence, neglect or refusal on the part of any such officers or authorities in respect to any duty or duties aforesaid, or in case of any vacancy in any office concerned in effectuating the intent of this Section, the District Court in and for such County, either in term time, or in vacation shall appoint and authorize some person or persons to discharge such neglected or unperformed duty or duties, and shall immediately enforce the performance thereof, and all taxes collected for the payment of such interest, shall constitute a special fund and shall not

be diverted to any other purpose, and any officer misappropriating or diverting such funds, or any part thereof, or any taxes collected for that purpose, shall be deemed guilty of a misdemeanor and shall be punished by a fine equal to the amount so misappropriated or diverted and by imprisonment in the penitentiary for a term of one year.

SEC. 18. Any officer who shall wilfully and against his duty refuse to levy, collect and pay over the interest money provided for in Section 17 of this Act, or any part thereof, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of One Thousand Dollars (\$1,000). The official bond of every officer upon whom a fine shall be imposed, under the provisions of this Act, shall be collateral security for the payment of such fine and the costs of prosecution.

SEC. 19. Beginning at the end of the tenth (10) year and after issuance [issuance] of any bonds by any County, city, town, village, school district or other municipality under the provisions of this Act, the proper authorities of said County, city, town, village, school district or other municipality shall cause to be levied an annual tax, each and every year upon all the taxable property in said County, city, town, village, school district or other municipality so issuing such bonds, sufficient to produce a sinking fund, equal in amount to two and one-half percent [per cent] ($2\frac{1}{2}$ per cent) per annum, of the amount of county, city, town, village, school district or other municipal bonds so issued hereunder, and then outstanding, and beginning at the end of the twentieth (20th) year after the issuance of any county, city, town, village, school district or other municipal bonds, hereunder; said authority shall for a period of ten (10) years cause to be levied upon the taxable property in such County, city, town, village, school district or other municipality an amount which shall equal ten per [per] cent (10 per cent) per annum of all the bonds issued hereunder and then outstanding, to be kept in a sinking fund, to be known, and called General Refunding Sinking Fund. Such Sinking Fund shall be kept by the Treasurer of said Count [y], city, town, village, school district or other municipality in which the same is levied, separate and apart from other funds, and shall have the safe keeping of such sinking fund, and such Treasurer shall be answerable under his official bond for said Sinking Fund. Such taxes so levied by said authorities shall be collected in the manner provided by law for the collection of other taxes.

SEC. 20. That after the expiration of twenty (20) years after date of issuance by any County, city, town, village, school district or other municipality, of any bonds hereunder, it shall be the duty of the Treasurer of said County, city, town, village, school district or other municipality to redeem twenty-five per cent (25 per cent) of such bonds then accrued and outstanding; such bonds so to be re-

deemed, to be determined by lot and upon such determination, it shall be the duty of such Treasurer to publish notice for four (4) consecutive weeks in a weekly or daily newspaper published in the City of New York, and also to publish such notice in a weekly or daily newspaper published in the county wherein said bonds have been issued; and if there be no weekly or daily newspaper published therein, in the nearest county thereto, describing such bonds so selected and to be redeemed, by giving the amount, date of issuance and the number thereof, and requiring presentation for [of] the same of the holder thereof for redemption, within thirty (30) days after said publication is completed, and thereafter said bonds so described in said notice, shall cease to bear interest.

SEC. 21. After the expiration of twenty (20) years from the date of issuance of any county, city, town, village, school district or other municipal bonds hereunder, and after the redemption of said first twenty-five per cent (25 per cent) of said bonds as above provided, when there shall be in the Sinking Fund, ten per cent (10 per cent) of the amount of outstanding [outstanding] bonds, it shall be the duty of said treasurer to also determine and select by lot, such of said bonds issued hereunder and then outstanding, as shall equal the amount on hand in said Sinking Fund, then held by said Treasurer, and upon such determination, and selection of such bonds by lot as aforesaid, the said Treasurer shall publish notice as above required, describing said bonds so selected and to be redeemed, and thirty (30) days after publication, said bonds shall cease to bear interest as above provided.

SEC. 22. In addition to the indebtedness of Counties, cities, towns, and villages, school districts or municipalities, evidenced by outstanding bonds, interest coupons or judgments, the following indebtedness and no other, may be funded into bonds under the provisions of this Act, to-wit: Any lawful indebtedness of any County contracted prior to March first, 1897, and not maturing until after August first, 1897, and also school and city warrants outstanding and approved by the proper authorities. *Amended L. 1901, sec. 4.*

SEC. 23. That at any time when any outstanding bond or bonds of any county, city, village, school district or other municipality of this Territory, may have become redeemable at the option of such County, city, town, village, school district or other municipality by the provisions thereof, the holder or holders of which fail, refuse or neglect to surrender the same under the provisions of this Act, then it shall be lawful for any such County, city, town, village, school district or other municipality to issue bonds hereunder, dispose of the same at not less than par, and out of the proceeds thereof, take up any such outstanding bonds, or any portion thereof, that may bear a higher rate of interest than herein provided; and all outstanding bonds so taken up, shall be burned and destroyed in the *Amended L. 1901, sec. 5.*

manner provided by this Act. Bonds issued under the provisions of this Section, shall not in any event be construed as creating any new or additional indebtedness.

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C. 6.

SEC. 24. Such new bonds so issued by any City, town, or village under the provisions of this Act, shall be known and styled General Refunding Bonds of naming such municipality, in the County of, naming such county, territory of New Mexico and shall be issued in amounts of One Hundred Dollars (\$100) or multiples thereof and under such conditions as provided for in Section 14 of this Act. Such city, town or village bonds shall be absolutely due and payable, and bear the same rate of interest as provided in Section 15 of this Act, relating to County Bonds; such city, town or village bonds, shall have interest coupons thereto attached, in the same manner as provided for interest coupons on county bonds, and shall be in substance and form as may be prescribed by the Solicitor-General of this Territory. Said city, village or town bonds shall be signed by the mayor of such town, city or village, and countersigned by the Treasurer or clerk of the Town or city issuing the same, and the seal of the town village or city, for which the same are so issued shall be thereto affixed [affixed], attested by the clerk of said town, village or city, the lithographic signature of the Treasurer of said town, village, or city shall appear upon coupons attached thereto, and such bonds shall also be issued upon the surrender and delivery of the legal owner, holder or his agent, of the bonds in lieu of which the same are so issued.

SEC. 25. That upon the surrender or delivery of any town, village or city bonds under the provisions of this Act, there shall be noted upon the record of the Treasurer of said town, village or city the fact of such surrender and delivery thereof, by number, amount and date of such surrender and the character of the bonds so surrendered; the date, number and amount of the new bonds issued in lieu thereof, and there shall also be noted upon a new record, to be prepared by such Treasurer for such purpose, the date, number and amount of any such bonds, issued under the provisions of this act, and the number, date and date of surrender, of the bond or bonds in lieu of which the same were so issued; and all bonds so surrendered in lieu of which new bonds have been issued shall be burned in the presence of the Mayor and a committee to be selected by the town, village, or city Council, and the Treasurer or [of] said town or city, upon the destruction of any of such bonds so surrendered, for issuance of any bonds in lieu thereof, hereunder, a certificate of such destruction and of the issuance of such new bonds, giving the date of issuance, amount, number and character of such old bonds so surrendered and destroyed and the number, date and issuance, and the amount of said new bonds so issued in lieu thereof, shall be signed by the Mayor and said committee selected by the

town, village or city council, and the Treasurer of said town, village, or city, which certificate shall be filed and entered of record in the office of the Treasurer of such town, village, or city in a book to be by him prepared for such purpose; said certificate shall be issued in duplicate, the duplicate certificate to be filed, preserved and entered of record in the Office of the Probate Clerk.

SEC. 26. Any Board of Directors of any School District or Board of Education in towns, villages or cities within this territory, are hereby authorized to refund the outstanding bonded indebtedness [od [of] such school districts in the same manner and under the same conditions as hereinbefore provided for the refunding of outstanding bonded indebtedness of other municipalities; and all bonds and interest coupons issued by such school districts in exchange for outstanding bonds, shall be signed by the Board of Directors or Board of Education of such school districts and attested by the Clerk of said boards, and such old bonds so redeemed, shall be destroyed and a record of such destruction made by such board of directors of Education, and witnessed and attested to by the Probate Judge of the County wherein such school district is situated.

SEC. 27. It is hereby provided that if at any time, any county, town, village, city or other municipality issuing bonds hereunder, should be in default in payment, of any interest upon any of said bonds issued [issued] hereunder, then it shall be lawful for the holder of any coupons attached to such bonds, and each coupon representing such interest then due, and in reference to the payment of which such county, town, village, city or other municipality, is then in default, to tender the same to the officer charged with the collection of taxes for said county, town village, city or other municipality in the payment and discharge of taxes levied for county, town village city or other municipal purposes upon any property in said county, town, village, city or other municipality, to the extent of the face value of said coupons, and it shall be the duty of said officer, to whom the same is payable, upon said tender being made to receive the same in the payment thereof, to the extent of the face value thereof, and he shall receipt to the person so tendering the same for said taxes to the extent of the face value of such coupon so tendered. Any officer so receiving any of said coupons in payment or part payment of said county town, village, city or other municipal taxes, shall transmit the same to and be allowed credit for the same to the treasurer of said county, town, village, city or other municipality in lieu of cash. *Provided*, that such coupons of municipalities shall be payable in discharge of taxes levied for municipal purposes for the municipality wherein the coupon was issued. That such coupons of town or city bonds shall be payable only in discharge of taxes levied for town, village or city purposes wherein said town, village, or city bonds were issued.

manner provided by this Act. Bonds issued under the provisions of this Section, shall not in any event be construed as creating any new or additional indebtedness.

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SEC. 24. Such new bonds so issued by any City, town, or village under the provisions of this Act, shall be known and styled General Refunding Bonds of naming such municipality, in the County of, naming such county, territory of New Mexico and shall be issued in amounts of One Hundred Dollars (\$100) or multiples thereof and under such conditions as provided for in Section 14 of this Act. Such city, town or village bonds shall be absolutely due and payable, and bear the same rate of interest as provided in Section 15 of this Act, relating to County Bonds; such city, town or village bonds, shall have interest coupons thereto attached, in the same manner as provided for interest coupons on county bonds, and shall be in substance and form as may be prescribed by the Solicitor-General of this Territory. Said city, village or town bonds shall be signed by the mayor of such town, city or village, and countersigned by the Treasurer or clerk of the Town or city issuing the same, and the seal of the town village or city, for which the same are so issued shall be thereto affixed [affixed], attested by the clerk of said town, village or city, the lithographic signature of the Treasurer of said town, village, or city shall appear upon coupons attached thereto, and such bonds shall also be issued upon the surrender and delivery of the legal owner, holder or his agent, of the bonds in lieu of which the same are so issued.

SEC. 25. That upon the surrender or delivery of any town, village or city bonds under the provisions of this Act, there shall be noted upon the record of the Treasurer of said town, village or city the fact of such surrender and delivery thereof, by number, amount and date of such surrender and the character of the bonds so surrendered; the date, number and amount of the new bonds issued in lieu thereof, and there shall also be noted upon a new record, to be prepared by such Treasurer for such purpose, the date, number and amount of any such bonds, issued under the provisions of this act, and the number, date and date of surrender, of the bond or bonds in lieu of which the same were so issued; and all bonds so surrendered in lieu of which new bonds have been issued shall be burned in the presence of the Mayor and a committee to be selected by the town, village, or city Council, and the Treasurer or [of] said town or city, upon the destruction of any of such bonds so surrendered, for issuance of any bonds in lieu thereof, hereunder, a certificate of such destruction and of the issuance of such new bonds, giving the date of issuance, amount, number and character of such old bonds so surrendered and destroyed and the number, date and issuance, and the amount of said new bonds so issued in lieu thereof, shall be signed by the Mayor and said committee selected by the

town, village or city council, and the Treasurer of said town, village, or city, which certificate shall be filed and entered of record in the office of the Treasurer of such town, village, or city in a book to be by him prepared for such purpose; said certificate shall be issued in duplicate, the duplicate certificate to be filed, preserved and entered of record in the Office of the Probate Clerk.

SEC. 26. Any Board of Directors of any School District or Board of Education in towns, villages or cities within this territory, are hereby authorized to refund the outstanding bonded indebtedness of [of] such school districts in the same manner and under the same conditions as hereinbefore provided for the refunding of outstanding bonded indebtedness of other municipalities; and all bonds and interest coupons issued by such school districts in exchange for outstanding bonds, shall be signed by the Board of Directors or Board of Education of such school districts and attested by the Clerk of said boards, and such old bonds so redeemed, shall be destroyed and a record of such destruction made by such board of directors of Education, and witnessed and attested to by the Probate Judge of the County wherein such school district is situated.

SEC. 27. It is hereby provided that if at any time, any county, town, village, city or other municipality issuing bonds hereunder, should be in default in payment, of any interest upon any of said bonds issued [issued] hereunder, then it shall be lawful for the holder of any coupons attached to such bonds, and each coupon representing such interest then due, and in reference to the payment of which such county, town, village, city or other municipality, is then in default, to tender the same to the officer charged with the collection of taxes for said county, town village, city or other municipality in the payment and discharge of taxes levied for county, town village city or other municipal purposes upon any property in said county, town, village, city or other municipality, to the extent of the face value of said coupons, and it shall be the duty of said officer, to whom the same is payable, upon said tender being made to receive the same in the payment thereof, to the extent of the face value thereof, and he shall receipt to the person so tendering the same for said taxes to the extent of the face value of such coupon so tendered. Any officer so receiving any of said coupons in payment or part payment of said county town, village, city or other municipal taxes, shall transmit the same to and be allowed credit for the same to the treasurer of said county, town, village, city or other municipality in lieu of cash, *Provided*, that such coupons of municipalities shall be payable in discharge of taxes levied for municipal purposes for the municipality wherein the coupon was issued. That such coupons of town or city bonds shall be payable only in discharge of taxes levied for town, village or city purposes wherein said town, village, or city bonds were issued.

Such coupons of county bonds shall be payable only in discharge of taxes levied for county purposes for the county issuing said coupons, and such interest coupons issued by any school district shall be payable only in discharge of taxes levied within and for said school district.

SEC. 28. That upon the payment and redemption of any of the county, town, village, city or other municipal bonds or coupons issued hereunder, or the surrender of any coupons in the discharge and payment of taxes under the provisions of this act, the same shall be burned in the manner hereinbefore provided for the destruction of bonds and a certificate of the destruction thereof made, signed and filed as hereinbefore provided, for, with reference to bonds to be refunded by the provisions of this act.

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1901, p. 89
ec. 9.*

SEC. 29. The provisions of this Act with reference to the issuance of bonds by the counties of this Territory, shall not apply to any of the counties in said Territory, the bonded indebtedness of which now issued and outstanding, is in excess of fifteen per cent (15 per cent) of the taxable property therein, according to the assessed valuation of said county for the year 1898, unless the holder or holders of bonds of said county shall voluntarily surrender for cancellation under the provisions of this Act, such portions of said bonds so held as will reduce said bonded indebtedness of said county to fifteen per cent (15 per cent) of the taxable valuation of said county according to the assessed valuation for the year 1898, but in the event said bond holders shall so surrender the amount of bonds held by them, necessary to reduce the outstanding bonded indebtedness of any county to the amount required by this Section, then and thereupon all of the provisions of this Act, shall be and remain in full force with reference to the issuance of General Refunding Bonds by any such County whose bonds have been so surrendered in accordance with the provisions of this section, equally with the other counties of said territory; *Provided*, that any holder or holders of any such outstanding bonded indebtedness or any portion thereof, who may surrender for cancellation, the pro rata of his or their [their] holdings, so that if the holder or holders of the remainder of the said outstanding indebtedness should also so surrender, a like pro rata of his or their holdings, to such extent as would reduce the said outstanding indebtedness of such county to fifteen per cent (15 per cent) of the assessed valuation of the property of any such county for the year 1898, then said holder or holders so surrendering such pro rata of the outstanding bonded indebtedness held by him or them shall be entitled to receive and have issued to him or them refunding bonds under the provisions of this Act, for the remainder of bonds so held by him after having surrendered for cancellation the pro rata of his or their holdings as above provided.

Provided, further, that for the purpose of this Act that whenever the word municipality appears, the same is hereby construed to mean either a city, town, village or school district.

SEC. 30. Any officer who shall make, issue or record any false certificate touching any of the matters in relation to which a certificate is required by this [this] Act, shall be deemed guilty of a felony, and shall be punished by imprisonment in the Territorial penitentiary for a term not exceeding five (5) years, and a fine not exceeding five hundred dollars (\$500).

SEC. 31. This act shall be in full force and effect from and after its passage.

CHAPTER LIX.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE DEFICIENCIES IN THE TERRITORIAL APPROPRIATIONS OF THE VARIOUS [VARIOUS] FISCAL YEARS UP TO AND INCLUDING THE FORTY-NINTH FISCAL YEAR. *H. B. 142; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Deficiencies, territorial, of the various fiscal years paid, by issuing certificates of indebtedness drawing interest.
- Sec. 2. Provides for the payment annually of the interest and twenty per cent. of the principal. Tax levy.
- Sec. 3. Publication of notice annually by treasurer of payment of interest and twenty per cent.
- Sec. 4. Auditor shall make a record of claims for which certificates in payment are issued, and destroy evidences of indebtedness.
- Sec. 5. Certificates of indebtedness and coupons shall be numbered.
- Sec. 6. Deficiency claims enumerated shall be further passed upon by officers named. Proviso, with list following.
- Sec. 7. Provides for interest fund and engraving and printing certificates of indebtedness, etc. Tax levy.
- Sec. 8. Cancellation of certificates of indebtedness paid.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That to provide for the payment of the deficiencies in the Territorial appropriations for the various [various] fiscal years, up to and including the 49th fiscal year, as such deficiencies are hereinafter in this act listed, there shall be an issue of Certificates of Indebtedness of the Territory of New Mexico, the form for which certificates shall be prescribed by the Solicitor General of the Territory. Such certificate shall be dated March 1st, 1899; shall be payable five years from their date, with the right of the Territory to pay them at any time after the expiration of one year from their date; they shall be issued in sums of one hundred dollars, or multi-

ples thereof; they shall bear interest at the rate of six per cent per annum, payable semi-annually, on the first days of March and September, principal and interest payable at the office of the Territorial Treasurer.

The certificates shall be signed by the Auditor of Public Accounts and by the Territorial Treasurer, and the coupons attached thereto for the semi-annual interest, shall have the engraved or lithographed fac-simile signature of the Treasurer thereon.

The certificate shall be exchanged for the deficiencies herein enumerated, or may be sold at not less than par and the proceeds applied to the payment of the deficiencies, as may appear for the best interests of the Territory in the Judgment of the officers issuing them.

SEC. 2. To provide for the payment of the interest and principal of the certificates authorized by section 1 of this act, it shall be the duty of the Auditor, to levy annually, beginning with the year 1899, a tax on all the taxable property in the Territory, sufficient to bring into the Territorial Treasury a sum sufficient to pay the interest and twenty per cent of the principal of the said certificates, in each and every year, for the term of five years, and the auditor shall certified to the respective Boards of County Commissioners annually for five years, the amount of the Tax so levied by him to provide for the interest and principal as above set forth, and annually at the time of making the general levy for assessments of taxes, for Territorial and County purposes, there shall be levied by the County Commissioners of each County, a levy to equal the amount so certified to them by the Auditor.

SEC. 3. After the expiration of one year and at the expiration of each succeeding year for the term of five years, from the first day of March, 1899, it shall be the duty of the Territorial Treasurer to publish a notice, once a week for four consecutive weeks in some daily paper published in the Territory, giving notice that twenty per cent of the amount of certificates authorized by this Act, and the interest thereon will be paid on the presentation and surrender of such certificates at his office, and that interest will cease upon such certificates thirty days from the date of the first publication of such notice.

The certificates so to be redeemed shall be determined by lot, and the notice so required to be published by the Treasurer shall describe such certificates by giving the amount, date of issuance, series if they shall bear one, and number thereof, and at the expiration of the said thirty days from the date of the first publication of the notice above required, interest shall cease on all certificates named in such notice.

SEC. 4. When a certificate, as required by this act, has been issued in payment of any deficiency hereinafter enumerated, the

Auditor shall make a record of the claim or claims, in payment of which the certificate is issued, in a book prepared and kept by him for that purpose, which record shall give the date of the filing and approval of the claim or claims, the amount, the name of the claimant, for what purpose incurred, and the date, number, series and amount of the certificate issued in payment thereof, and after having been so recorded the claim or claims shall be destroyed, in the same manner and at the same time as is provided by law for the destruction of other evidence of territorial paid indebtedness.

SEC. 5. The certificates of indebtedness provided for in this act shall be numbered consecutively, beginning with number one (1) in each denomination or series in which they may be issued, and the coupons attached thereto shall bear the same series and number as the certificate to which they are attached.

SEC. 6. The deficiency claims in payment of which certificates of indebtedness, as provided for in this act, shall be issued are such as shall be hereinafter found enumerated and which are recognized as valid, legal outstanding indebtedness of the Territory at this time, but which, as a further safeguard to the Territory, shall be further passed upon by the Solicitor General, Territorial Treasurer and Auditor and have the further approval of at least two of such officers, before certificates of Indebtedness, as provided for in this act, can be issued in payment thereof.

Provided, That the claim of J. J. Leeson for \$1,500.00 is hereby acknowledged as legal and valid and shall have a certificate issued in payment thereof without further auditing or approval.

The deficiency claims allowed by this act are as follows:

For bounties for wild animals, killed and allowed for the 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, and 49th fiscal years.....\$7,188.50

Provided, That accounts from each County in the Territory for bounty on wild animals be referred by the Auditor to the Board of County Commissioners in the County from which they came, and it shall thereupon be the duty of the Board of County Commissioners to make a thorough and complete investigation as to the honesty and good faith of the said accounts, calling before them witnesses if necessary, and they shall decide whether or not any or all of said accounts are honestly made in good faith and are in any manner fraudulent [fraudulent], and shall report their findings, along with the evidence taken by them, to the Auditor of the Territory, who shall thereupon again pass upon said accounts, and if any of the same are found to be fraudulent [fraudulent] or not to have been made in good faith, by the Board, he shall disprove of such as are fraudulent [fraudulent] and not made in good faith, and not pay them; that the Board of County Commissioners shall give notice of such investigations to the parties interested in the accounts, so that they may

present any proof that they may have on the investigation thereof, and it shall be the duty of the Auditor to pay all such accounts, as may not be found fraudulent [fraudulent] or made in bad faith.

For the apprehension of criminals, 46th, 47th, and 48th fiscal years.....	\$1,777.65
Court certificates, no appropriation.....	297.27
Cash expended by Sol. Spiegelberg, for irrigating Capitol grounds during 1893, 1894 and 1895.....	39.50

PENITENTIARY CURRENT EXPENSE 47TH FISCAL YEAR.

Officers and Employes Salary.....	1,843.40
Rations, etc.....	2,023.78
Board and Clerk in excess, 48th fiscal year.....	602.30

48TH FISCAL YEAR.

Salary of officers and employes.....	1,850.00
Rations, etc.....	6,461.49

49TH FISCAL YEAR.

Salary of officers and employes.....	2,330.00
Rations, etc.....	3,952.00

MISCELLANEOUS—47TH FISCAL YEAR.

Rent, Terr. Library.....	175.00
Rent, office supt, pub. inst.....	20.00

48TH FISCAL YEAR.

Transportation of Convicts.....	4,419.09
Supreme Court Reports.....	262.00
Militia	70.00
Rent, office supt. pub. instr.....	98.00
Rent, Terr. Library.....	144.00
Rent, and expenses, solic. gen'l.....	144.00
Printing Tax Books.....	221.50

49TH FISCAL YEAR.

Transportation of Convicts.....	6,032.73
Militia	179.70
Printing Tax Books.....	314.50
Conveying Election Returns.....	105.00
Rent and expenses solic. gen'l.....	145.00
Rent, office supt. pub. inst.....	100.00
Printing auditor's report.....	472.00
Expense, Governor's Office.....	145.00

SALARY FUND 48TH FISCAL YEAR.

Clerks district courts.....	178.62
Unconsumed fees, 4th jud. district.....	500.70

Judges District Court.....	\$ 15.44
Pay of Territorial Officials in excess.....	201.64

49TH FISCAL YEAR.

Penitentiary board and Clerk.....	801.00
Territorial Officers.....	4,000.00
Reward for arrest of Jno. Chamberlain.....	500.00
Reward, J. D. Walker, for arrest of Harold P. Brown....	500.00
For the purpose of paying balance due on rewards offered by the governor, claims for which are on file with the Auditor, for the 44th, 45th, 46th and 47th fiscal years..	4,000.00

SUPREME COURT FUND 48TH FISCAL YEAR.

Per diem, cost etc., printing.....	44.00
For J. J. Leeson, salary and expenses, cash advanced for railroad freights, Tennessee and Omaha exposition....	1,500.00
Translating laws and journals 32nd legislative assm.....	274.75
Printing Laws and Journals, 32nd legislative assm.....	65.25
Compilation fund deficiency, 48th and 49th fiscal years...	3,025.00
For the payment of the following special tax fund ac- counts, being the portion not otherwise provided for:	
Perfect Armijo.....	195.00
T. Alarid.....	88.00
Pinito Pino.....	90.00
H. B. Hamilton.....	10.00
Antonio D. Vargas.....	65.00
N. P. Eaton.....	100.00
Santiago Valdez.....	120.00
E. G. Ross.....	125.00
For payment of water and Improvement Co., in full of all claims and demands, on account of water furnished to capitol grounds, up to and of 49th fiscal year.....	700.00

This appropriation being in lieu and stead of any appropriations heretofore made for that purpose, and to include all claims from the year 1892 to the present time:

Provided, That the said Water Company accepts said sum as payment in full against the Territory for all water furnished.

For the payment of accounts due out of the special tax fund, or so much thereof as may be necessary.....	10,000.00
For the purpose of reimbursing Numa Raymond for cash advanced in pursuing the murders [murderers] of Albert J. Fountain, provided the County of Dona Ana make an appropriation for a like amount.....	500.00
For printing reports, plates of Diagrams, and expenses for procuring data for the same, including services of civil engineer, for Irrigation Commission.....	1,000.00

Provided, That \$317.85 of said amount shall be paid the public printer for printing said report.

For payment of clerk's fee prior to 1889, R. C. Gortner..	\$ 777.50
For printing report supt, pub. instr. 46th fiscal year.....	35.25
Supreme Court, 46th and 47th fiscal year.....	836.55
Supreme Court, 46th and 47th fiscal year New Mexican Printing Company.....	101.73
District Judges, 47th fiscal year.....	1,200.00
For outstanding fractional certificates, balances due from casual deficit bonds issue.....	145.96
For amount due C. H. Laidlaw, employe terr. mining Exhibit [exhibit], Columbia Exposition.....	389.00
To pay Lieutenant Coleman and men for services per- formed	630.75
Militia deficiency, to be paid upon presentation and Sur- render of proper vouchers.....	9,443.95

Such deficiency consists of the following items:

For the transportation of recruits to the volunteer army of the United States from the place of their enrollment to the place of their mustering in or so much thereof as may be necessary.....	6,500.00
Tin Cups purchased for recruits.....	12.77
Blankets bought of A. Staab.....	200.00
Blankets bought of Seligman Bros.....	42.00
Salary of adj. gen'l.....	500.00
L. B. Prince, rent of armory.....	53.33
Expenses adj. gen'l, attending Inter-State Guard Conven- tion.....	127.00
Placido Abeytia, janitor, four months.....	32.00
Wells, Fargo Express Co., transportation of blankets.....	8.65
C. W. Dudrow, coal.....	8.00
Jacob Weltmer, stationary [stationery].....	4.95
W. A. McKenzie, supply.....	6.60
Henrietta Clark, stenographer to Adj. Gen'l, Hersey dur- ing enlistment of troops, April, 1898.....	33.00
Santa Fe Gas and Electric Company.....	24.50
T. B. Catron, for money advanced for transportation of troops, feeding and lodging troops, etc.....	183.60
George Curry, for cash expended in organizing troop "H," Defraying expenses of transportation and subsistence of same.....	141.70
For the different Ladies Aid Societies, for cash expended in feeding and caring for volunteers, or so much thereof as may be necessary.....	1,000.00

Provided, That such vouchers for such militia deficiencies shall

first be certified to by the Adjutant General and approved by the Governor:

Provided, also, that when the before mentioned certificates of indebtedness are issued for the amounts of the above militia deficiencies and are accepted, they shall be accepted as payment in full for all such militia deficiencies, and *provided further*, that it shall be the duty of the Adjutant General to make proper claim at once against the United States for all amounts of militia deficiencies above recited and provided for herein, accompanying the same with the proper original vouchers therefor; and all such moneys refunded by the general Government on these accounts, shall at once be turned over to the Territorial Treasurer and by him placed to the credit of Interest Fund.

SEC. 7. To provide for the completion of the interest fund, by the payment of all arrears up to and including the first day of March 1899, and also to provide for the cost and expense of engraving and printing the certificates of indebtedness, authorized by this act, and to provide for the cost and expense of engraving, printing, disposing of and delivery to, the person or persons entitled thereto, of such General Refunding Bonds as may be authorized by this Legislature, there shall be further issued a sufficient amount of the certificates of indebtedness authorized by this act, to fully re-establish the Interest Fund and to pay the costs connected with the preparation of the certificates of indebtedness and General Refunding Bonds as above mentioned in this section, and the Treasurer shall sell to the highest and best bidder, and in no event below par, an amount of the certificates of indebtedness sufficient for such purposes, and place the proceeds thereof to the amount necessary to re-establish the Interest Fund, in the said Interest Fund, and the Auditor shall make a like levy to meet the interest and principal of this further issue of certificates of indebtedness, and the Boards of County Commissioners of the various Counties in the Territory shall levy a like tax as is provided for in Section 2 of this Act.

SEC. 8. When any of the certificates of indebtedness shall have been paid and taken up, as provided for in this act, they shall be cancelled and a full record of the same, giving date, number, series amount and date of cancellation, shall be entered in the before mentioned Bond Registers in the offices of the Territorial Auditor and Treasurer and such cancelled and redeemed certificates, shall be destroyed in the same manner and at the same time as is provided by law for the destruction of other evidence of Territorial paid indebtedness.

SEC. 9. This act shall be in full force and effect, from and after its passage.

CHAPTER LX.

AN ACT TO PROMOTE AND ENCOURAGE THE DISCOVERY AND DEVELOPMENT OF THE MINERAL RESOURCES OF THE TERRITORY OF NEW MEXICO. *H. B. 55; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Of exemption of mining claims and workings therein from taxation.

Be it enacted by the 33rd Legislative Assembly of the Territory of New Mexico.

SECTION 1. That no tax shall be assessed, levied or collected upon any mining Claim in this Territory, located under the mining laws of the United States, nor upon any shaft or workings therein, until after patent shall have been duly issued therefor by the United States; and for one year thereafter but nothing herein contained shall be held or construed to exempt from taxation, as now provided by law, the improvements upon any such mining claim, other than the shafts and other workings as aforesaid, nor the net product of any such mining claim.

SEC. 2. This act shall take effect and be in full force from and after its passage.

CHAPTER LXI.

AN ACT RELATIVE TO MILL-DITCHES IN THE TERRITORY OF NEW MEXICO. *H. B. 123; Approved March 16, 1899. Translation.*

CONTENTS.

Sec. 1. Mill ditches constructed shall not be changed except through irrigating ditches.

Sec. 2. Of the construction of mill ditches. Arbitrators and their appointment. Right of way and assessment of damages.

Sec. 3. Justice of the peace shall make record of doings of the arbitrators.

Sec. 4. Amount assessed for right of way paid, mill owner may construct ditch.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the course of any mill ditch, already constructed shall not be changed, unless it be through some irrigating ditch to the cultivated lands which shall have the preference.

SEC. 2. That whenever it may become necessary for the owner or owners of a mill to construct a mill ditch, when the same is to be constructed in whole or in part over the land of another owner, and the said owner does not permit the construction of said ditch, then

and in that event, the owner of the mill and the owner of the land over which the ditch is to pass shall apply to the justice of the peace of the precinct asking him to appoint three arbitrators or assessors, each party shall name one and the justice shall name the third but, if the land owner refuses to name one then the justice shall name two and the owner of the mill one.

SEC. 3. That the justice of the peace shall make a record of the fact that the arbitrators or assessors were appointed and shall swear them to act faithfully and impartially, as such arbitrators and to report to the said justice of the peace the amount by them assessed in order that the same may be turned over to the justice of the peace and by him turned over to the owner or owners of the land over which said ditch passes, and the said amount shall be paid in cash.

SEC. 4. That if the owner of the mill for which the ditch is desired pays the amount assessed against him, as above required, he may construct his ditch as the same may be designated by the arbitrators and according to the record of the justice of the peace of the report of the said arbitrators.

SEC. 5. That all laws and parts of laws in conflict herewith are hereby repealed and this law shall be in full force and effect from and after its passage and approval.

CHAPTER LXII.

AN ACT TO ENABLE THE HEIRS OF DECEASED PERSONS TO ASCERTAIN WHETHER OR NOT, THE DECEASED HAD ANY MONEY ON DEPOSIT IN BANK, AND TO PROMOTE THE ESCHEATING TO THE TERRITORY OF UNCLAIMED ESTATES. *H. B. 91; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Banks shall publish lists of depositors who have not during three years made any disposition of their deposits.
- Sec. 2. Of contents of said published notice.
- Sec. 3. Of failure of banking house to comply with above provisions. Misdemeanor.
- Sec. 4. Failing, district attorney shall prosecute on pain of dismissal from office.
- Sec. 5. Following publication of notice, district attorney shall take all proper steps to bring about the escheating to the territory of such unclaimed money: provided the same be covered into the school fund.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

SECTION 1. That within ninety days after the passage of this act, and during the month of January of each year thereafter, it shall be the duty of the directors and managing officers of all National and Territorial Banks, having banking houses in this Territory, and having in its [their] possession money on deposit against

which no check has been drawn, or no other disposition made of the same by the owner, within three years, then next last past, to publish or caused [cause] to be published, a duly verified full and complete list of the names of all such depositors with the amount held on deposit for each, and the date when the same was so deposited, for six consecutive days in any daily newspaper published in the county where such banking house is situated, or if there be no daily newspaper published in said County, then for three consecutive weeks in some weekly newspaper published in said County.

SEC. 2. In the list provided to be published within ninety days from the passage of this act, as in section one above, there shall be included the names of all depositors and the amounts they have on deposit, with the date the same was deposited, against which no check has been drawn or other disposition made of such money for such period of three years, beginning from the commencement of such banking institutions, and no consolidating of banking institutions, balancing of books, or charging the same up to profit or loss or the closing up of business years, or the declaring of dividends out of the same shall relieve [relieve] or excuse such institutions from such publication.

SEC. 3. Any failure on the part of any banking house to fully and in good faith comply with the provisions of this act, shall render each director and managing officer thereof guilty of a misdemeanor, and on conviction thereof before any court of competent Jurisdiction, he shall be punished by imprisonment in the County Jail for a period of six months.

SEC. 4. It shall be the duty of all district attorneys in their respective Jurisdictions to take cognizance of and vigorously prosecute all violations of this act, under penalty for failure in that behalf of being dismissed from their offices by the Governor of the Territory, and it shall be the duty of the Governor to see that this act is strictly enforced.

SEC. 5. It shall be the duty of all such district attorneys to at once after the publication of the list provided for to be published within ninety days after the passage of this act as aforesaid to take all proper steps and inaugurate all proper legal proceedings to bring about the escheating to the Territory of all unclaimed money or estates, so ascertained to be unclaimed or to have escheated to the Territory.

Provided that all moneys so escheating to the Territory shall be covered into the general school fund of the Territory.

SEC. 6. This act shall be in force and effect from and after its passage.

CHAPTER LXIII.

AN ACT TO AMEND SECTIONS TWENTY-NINE THIRTY-SEVEN, AND TWENTY-NINE THIRTY-EIGHT OF THE COMPILED LAWS OF 1897.
H. B. 31; Approved March 16, 1899.

CONTENTS.

- Sec. 1. Amends section 2937 of the Compiled Laws of 1897. Extends time to commence action, when person of unsound mind, imprisoned or a minor, has a right of action.
- Sec. 2. Amends section 2938 of the Compiled Laws of 1897 similar to last section.
- Sec. 3. Persons entitled to cause of action at date of this act and not barred, may commence suit within six months

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the provisos of section two thousand nine hundred and thirty [seven] of the Compiled Laws of 1897, being all that portion of said section after and including the word "provided" in the thirtieth line thereof, be and the same is hereby amended so as to read as follows:

"Provided, That if any person entitled to commence or prosecute such suit or action is or shall be, at the time the cause of action therefor first accrued, imprisoned, of unsound mind, or under the age of twenty-one years, then the time for commencing such action shall in favor of such persons be extended so that they shall have one year after the termination of such disability to commence such action; but no cumulative disability shall prevent the bar of the above limitation, and this proviso shall only apply to those disabilities which existed when the cause of action first accrued and to no other."

SEC. 2. That section two thousand nine hundred and thirty-eight of the Compiled Laws of 1897, is amended so as to read as follows:

Section 2938. No person or persons, nor their children or heirs, shall have, sue or maintain any action or suit, either in law or equity, for any lands, tenements or hereditaments, against any one having adverse possession of the same continuously in good faith, under color of title, and who has paid the taxes lawfully assessed against the same, but within ten years next after his, her or their right to commence, have or maintain such suit shall have come, fallen or accrued, and all suits, either in law or equity, for the recovery of any lands, tenements or hereditaments so held, shall be commenced within ten years next after the cause of action therefor has accrued. *Provided, that if any person entitled to commence or prosecute such suit or action is or shall be, at the time the cause of*

action therefor first accrued, imprisoned, of unsound mind, or under the age of twenty-one years, then the time for commencing such action shall in favor of such persons be extended so that they shall have one year after the termination of such disability to commence such action; but no cumulative disability shall prevent the bar of the above limitation, and this proviso shall only apply to those disabilities which existed when the cause of action first accrued and to no other."

SEC. 3. Any person having or being entitled to a cause of action accrued and existing at the time of the passage of this act, and not already barred by the provisions of the sections hereby amended, may commence suit therefor within six months after the passage of this act.

SEC. 4. All Acts and parts of acts in conflict with this act are repealed and this act shall take effect from and after its passage.

CHAPTER LXIV.

AN ACT FOR THE PRESERVATION OF THE PUBLIC HEALTH, AND FOR OTHER PURPOSES. *S. H. B. 108; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Unlawful to cast or deposit any putrid or deleterious matter or dead carcasses within municipal limits, or within five hundred yards of any water used for drinking purposes. Misdemeanor.
- Sec. 2. Mining companies or other corporations doing business and receiving money from employes for the employment of a physician or for sanitary regulations, shall erect and maintain a suitable pest-house.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That it shall be unlawful for any person, or persons, to cast, throw out, or deposit any offal, refuse matter, putrid [putrid] or deleterious substance, or the dead body or carcass of any animal, whether the same be upon the surface or underneath the surface, in any street or ally [alley] or within the limits of any city, town, or village in this Territory, or within five hundred yards of any well, spring, acequia, or ditch, or any arroyo, creek, or stream of water used for drinking purposes, and any person, or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than three dollars, nor more than eighty dollars.

SEC. 2. That all mining companies, or other corporations doing business in this territory who receive any money from their employes for the purpose of employing a physician to attend to and render medical aid to any of said employes during sickness, or to

enforce sanitary regulations for the benefit of said employes, are hereby required to erect and maintain a proper and suitable pest house not less than one and one half miles from any town, mining camp, settlement, or village where the headquarters of such company may be, or where the greater portion of said employes may labor, for the purpose of taking proper care of, and quarantining any and all of said employes who may be effected [affected] with any contagious, or infectious diseases [diseases] and any company or corporation violating any of the provisions [provisions] of this act upon proper proceedings and conviction thereunder, shall be fined as set forth in section one, and in addition thereto shall be liable for all damages occasioned by their violation of the law as embodied in this act.

SEC. 3. All acts or parts of acts in conflict herewith are hereby repaled [repealed], and this act shall take effect and be in force from and after its passage and approval.

CHAPTER LXV.

AN ACT TO FACILITATE BUSINESS IN THE DISTRICT COURTS OF NEW MEXICO, AND TO PROVIDE FUNDS FOR THE PAYMENT OF JURIES IN THE TRIAL OF CIVIL CAUSES IN SAID COURT. *H. B. 121; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. District judges call the docket giving parties to civil suits opportunity to demand or waive a jury. Proviso.
- Sec. 2. Fees of jury shall be taxed as part of costs, except as otherwise provided. Party demanding a jury shall deposit a jury fee with clerk. Proviso.
- Sec. 3. Jury fees advanced shall abide the result of the suit as taxable costs.
- Sec. 4. Parties demanding a jury and failing to advance the fees, deemed to have waived a jury trial.
- Sec. 5. Of speedy trial. Parties making affidavit of poverty entitled to free jury trial.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That in all civil cases, now or hereafter pending in the district courts of the Territory of New Mexico, the presiding judge shall at the commencement of any term of said courts call the docket of all cases ready for trial, and the plaintiff shall when each case is called, be required to demand or waive a jury in the trial of such cause, and if the jury be waived by the plaintiff the defendant shall then be required to demand or waive the jury in such trial, and when a jury is waived by both parties, the cause shall

be set down to be tried by the court after the dismissal of the jury panel.

Provided, That in case the attorney of either party shall not be present on the first day of the term the case shall not be set down for trial or his client called on to decide whether he desires a jury trial until a notice in writing has been served upon him by mail or otherwise, that the other party has consented to waive the jury, and he shall be given time enough to prepare the necessary affidavit or papers on behalf of his client or to be heard as to whether his client will waive the jury, such time to be fixed by the judge in his discretion.

SEC. 2. In all civil cases the fees of the jury actually engaged in the trial of the cause except as otherwise herein provided, shall be taxed as part of the costs in the case against the party losing the same, and whenever either party shall, upon the calling of the docket, demand a jury for the trial of any civil case, the party so demanding the same, shall be required to deposit the sum of twenty-four dollars with the clerk of the court, to cover the fees of the jury employed in the trial of such cause, on the day before same is set for trial, and twenty-four dollars additional for each subsequent day such jury shall be engaged in the trial of said cause, shall be deposited upon the commencement of court upon the morning of each day of such trial; *Provided, however*, that when there are sufficient funds on hand for the payment of the jury panel for the term of court at which such cause is set down for trial to pay all the costs of the jury during the term of such court, then it shall not be necessary for the parties to civil actions to deposit funds for that purpose as provided for in section 2, of this Act, but, in such event, the jury in the trial of all causes, civil as well as criminal, shall be paid out of such court fund; and the court shall, in its discretion decide whether or not the court funds are sufficient for the trial of all causes during the term and whether or not parties demanding juries shall deposit funds to pay expenses of same in such trials.

SEC. 3. Whenever the jury fees are advanced in the trial of a cause, as in section 2 of this act provided, the amount so advanced shall be paid to the jury trying the cause and shall be deducted from the amount per diem that the jury would otherwise receive; and the party having advanced such costs or fees, shall receive from the clerk a receipt for the same, and judgment shall be given against the unsuccessful party except when such party has paid such costs, for the amount so advanced, and the same shall be collected as other costs in the case.

SEC. 4. Whenever a party demanding a jury in the trial of any civil action in any of the district courts of the Territory of New Mexico shall fail upon being so ordered by the court, to advance the jury fees required by this act, or any part thereof, such party shall

be deemed to have waived a jury in the trial of such cause, and the case shall then be set down to be tried by the court as other cases wherein a jury has been waived.

SEC. 5. When either party to a civil action in any of the district courts of New Mexico, shall after the same is at issue, demand a jury in the trial of such and pay to the clerk of such court the jury fees required by this act, such party shall have the right to a speedy trial of such cause in the order of such cases, at the time is set down for trial, upon the dockets of said courts.

Provided, That the provisions of this act shall not apply to either the plaintiff or defendant in any civil suit who will make an affidavit and file the same in the cause that he is by reason of poverty unable to deposit the amount of money herein required to be deposited for the purpose of obtaining a jury trial, and such persons shall be entitled to the free process and free [free] jury trial in such cause of the district courts as now provided by law.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER LXVI. *Repealed L 1905, p. 338.*

AN ACT FOR THE SELECTION OF JURORS. *H. S. C. B. 80; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. District judge to appoint jury commissioners in open court. Qualifications. Oath.
- Sec. 2. Selection of grand and petit jurors.
- Sec. 3. Judge United States court shall appoint jury commissioners. Qualifications. Oath.
- Sec. 4. Provisions for jurors in case judge fails to appoint, as provided.
- Sec. 5. Clerks of courts shall publicly open packages of jurors in presence respectfully of sheriff and marshal, and issue venire.
- Sec. 6. Venire shall issue as soon as practicable.
- Sec. 7. Clerk shall call summoned jurors from original list.
- Sec. 8. In the event of the death of a commissioner, judge shall appoint to vacancy, etc.
- Sec. 9. Appointment of jurors to supply non-attendance and disqualification.
- Sec. 10. Compensation of commissioners.
- Sec. 11. Qualification of grand and petit jurors.
- Sec. 12. List of persons in each county qualified as jurors filed annually by probate clerk with clerk district court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. It shall be the duty of the judges of the District Court in each district in this Territory at every regular term that

shall be holden in any county of this Territory to appoint in open court three (3) persons of honor and respectability, who shall have resided in such county at least one year preceeding such appointment; and who shall possess all the qualifications required by law for persons serving as jurors; and who shall not have served as members of either petit or grand juries in such county during the 12 months last preceeding the date of such appointment, and shall not have been during said 12 months appointed to select jurors in such county to constitute a commission to select the grand and petit jurors to serve at the next regular term of court in said county. Every person appointed as such commissioner shall, before proceeding to the discharge of his duties take an oath that he will faithfully and impartially discharge his duties as such commissioner, and that he will keep secret the names of all persons selected as grand and petit jurors.

SEC. 2. It shall be the duty of such commission, not less than twenty nor more than thirty days preceeding [preceeding] the term of the court for which it shall be their duty to select grand and petit juries, as herein provided, to meet and to retire to some convenient place and there to select 17 qualified persons to constitute a grand jury and 24 qualified persons to constitute a petit jury for the next succeeding court in such county. And no person who has served as a member of the grand or petit jury or as a commissioner to select juries in such county during the 12 months next preceeding the date of the selection of such jurors shall be a qualified juror to serve at the next succeeding term of such Court nor shall it be proper to select such persons. The names of the jurors selected by such commissioners shall be retained in separate lists as follows:

The names of the persons so selected for grand jurors shall be put into a written list which shall be certified to and signed by said jury commission and sealed up securely in an envelope and delivered by them to the Clerk of the District court for the ditrict [district] in which their selection was made who shall write across the place of sealing the words "grand jurors" and shall sign his name thereto, and the same procedure shall be had with the list of persons so selected for petit jurors. And the same shall be filed in the office of the clerk of the court for which said juries are selected and be by said clerk safely kept until the same shall be opened, as hereinafter provided.

SEC. 3. That in the United States courts of this territory in which the suits and causes of the United States are tried, that grand juries shall consist of 21 persons, who shall possess in all cases all of the qualifications required by law to serve as jurors; and petit juries shall consist of 24 persons having the same qualifications. Such grand and petit jurors shall be selected by three persons of honor and respectability, who shall be appointed by the judge of the

U. S. court for the district at each regular term, and said commissioners shall be persons who have resided in such judicial district at least one year next preceding such appointment and shall possess the qualifications and take the oath as required in the case of commissioners selected to select the juries provided for in section 2 of this act. The jurors for said United States courts shall be selected as grand and petit jurors are selected under the provisions of Section 2 of this Act, and the lists thereof shall be in like manner certified, signed, sealed and indorsed as follows:

Provided, That the number of jurors from each county in the judicial district for which such juries are selected shall be in proportion [proportion] as nearly as may be, that the total number to be selected bears to the population of the county in said district as shown by the last United States census of said counties.

SEC. 4. That in any of the judicial districts in this Territory where the judges of the district courts shall not have appointed commissioners to select jurors to serve at the next ensuing term of court, as provided in this act, then in such case the judges of the district courts in their respective districts are hereby empowered and authorized to appoint such commissioners at any time before the first day of such next ensuing term, and the persons so appointed to select jurors and jurors so selected, shall possess the same qualifications as are prescribed by this Act for persons to serve as jurors.

SEC. 5. That the packages of the Courts containing the names and [of] grand and petit jurors shall be by said clerks, twenty days before said term of court for which said jurors have been drawn and selected, opened in the presence of the sheriff or deputy sheriff of the county, and in the presence of any citizen who may wish to be present, and in case the twentieth day before the first day of the term of court shall fall on Sunday, then on the next Monday after the said Sunday, the packages containing the names of the jurors shall be opened and forthwith the said Clerk shall issue summons in the form of venires to the sheriff of the county for the territorial jurors, and to the United States Marshal for the United States jurors returnable on the first day of the term of court for which said jurors have been drawn and selected, and all the names of the grand jurors for such term shall be included in one list and summons and all the names of the petit jurors shall be included in another.

SEC. 6. The summons so issued shall be as soon as practicable delivered to the proper officer to be by him served by reading the same to the jurors mentioned therein or by informing such jurors of the contents thereof, and the same shall be returnable upon such day of the term of the Court in which the same is to be returned as the judge thereof in his district may determine.

SEC. 7. After the Clerk of the Court shall open the packages, as herein directed, he shall safely keep the list of jurors enclosed there-

in together with the envelope enclosing the same and shall have such lists and envelopes present at the next term of the court and shall, from them call the jurors so summoned.

SEC. 8. Where by reason of the death or absence of any one of the jury commissioners, appointed under this Act at the time when it shall become the duty of such commissioners to select and draw jurors such commission shall be incomplete in number, it shall be the duty of the district judge, if present, to appoint some duly qualified person under the provisions of this Act to fill such vacancy, and in case of the absence of the judge, it shall be the duty of the commissioners who are present, together with the clerk of the court, to fill such vacancies in the manner above provided.

SEC. 9. Where by reason of non-attendance or disqualification of jurors, or for any cause whatsoever, the panel of grand or petit juries shall be incomplete; in such case the judge shall appoint from time to time as required two persons qualified under this act, who shall act with the judge of the court as a commission to draw and select a list of qualified persons for grand and petit jurors to complete the panels for the term; and the clerk shall forthwith issue summons for the persons so named, directed to the proper officer, which summons shall be served without delay.

SEC. 10. Each jury commissioner appointed under this Act shall receive as compensation for his services the sum of Three Dollars per day for one day only, and mileage at the rate of ten cents per mile for each mile actually and necessarily traveled in the performance of his duty as such commissioner, such compensation to be paid out of the Court Fund.

SEC. 11. Every male citizen of the United States who is qualified to vote at public elections under the laws of this territory, and who is the owner of real estate in any of the counties of this territory, shall be qualified to serve as a grand or petit juror in any of the courts of this Territory; excepting, however, the following classes of persons who shall be disqualified to serve as grand or petit jurors in any of the courts of this Territory: such persons as may have been convicted of any infamous crime and all persons who are living in a state of bigamy or polygamy, professional gamblers,—that is such persons as are actually engaged in gaming as a regular occupation and who are not otherwise engaged; habitual drunkards or persons who are addicted to the excessive use of intoxicating liquors as a beverage, attorneys at law and all persons over the age of sixty years.

SEC. 12. It shall be the duty of the probate clerk of each county, within thirty days after the passage of this act, to prepare and file in the Clerk's office of the district court of the district in which such county is situated an alphabetical list of all persons residing in such county, who are qualified to serve as jurors. The said

list to be compiled from the poll books of the last general election and from the books of the tax collector of such county, and the name of no persons shall be placed upon such list, who is not a qualified juror under the provisions of this act. And the probate clerks of the various counties of this territory shall thereafter prepare and file with the clerks of the district courts a like list of qualified jurors on the first day of January of each year.

SEC. 13. All laws and parts of laws in conflict herewith are hereby repealed and this Act shall take effect and be in force from and after its passage.

CHAPTER LXVII.

AN ACT TO AUTHORIZE THE GOVERNOR AND THE ADJUTANT GENERAL OF THE TERRITORY OF NEW MEXICO TO PURCHASE CERTAIN MUSTER IN AND MUSTER OUT ROLLS, AND OTHER DOCUMENTS AND PAPERS PERTAINING TO THE VOLUNTEER MILITIA AND REGULAR ARMY SERVICE OF THE TERRITORY OF NEW MEXICO, DURING THE CIVIL WAR OF 1861. *C. B. 100; Approved March 16, 1899.*

WHEREAS, Some parties through great labor and expense collected a certain number of pay and muster in and muster out rolls, papers and documents pertaining to the Volunteer Militia and regular army service of the Territory of New Mexico during the civil war of 1861, which pay and muster rolls paper and documents are very valuable to the Territory of New Mexico to complete the records of the office of the Adjutant General, and whereas the said papers have been filed with the said Adjutant General of this territory; Now Therefore,

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. The Governor and Adjutant General of the Territory of New Mexico are hereby authorized to receive from and pay to any persons [person] or persons having any muster-in and muster-out rolls of the volunteer or militia service during the war of 1861, 1862, 1863, 1864, 1865 and 1866 being of those persons and soldiers called into the volunteer service of the United States and of the Militia of the Territory of New Mexico in any of said years, for the use of the Territory, and pay for the same in the same proportion as was paid for similar muster-in and muster-out roll[s] under and by virtue of chapter XXXVI. of the session Laws of 1893, *Provided*, that the said Governor and Adjutant General are not authorized to receive or pay for any such muster-in or muster-out rolls unless the same shall be genuine and original rolls, and unless there shall not be in possession of the adjutant general du-

plicates of said muster-in and muster-out rolls, and they are hereby further authorized to receive and pay for any other original documents and papers and books pertaining to the military service of said volunteers and militia of which there may not be copies or duplicates in the possession of the Adjutant General, and there is hereby appropriated a sufficient amount of money out of any moneys in the treasury not appropriated for the payment of interest on the public debt, to pay for the same, which shall be paid by the Auditor upon the certificate of said Governor and Adjutant General; provided the cost of such muster rolls and documents shall not exceed two hundred and fifty dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage, and all laws and parts of laws in conflict with this Act are hereby repealed.

CHAPTER LXVIII.

AN ACT RELATIVE TO MUNICIPAL CORPORATIONS. *H. S. C. B. 70;*
Approved March 16, 1899.

CONTENTS.

- Sec. 1. Cities of the first class authorized to issue bonds for opening streets, building water works, sewers, etc. Of form, terms, issue and payment of interest.
Sec. 2. Of tax levy for interest and sinking fund and payment of bonds.
Sec. 3. Officer or agent of municipal corporation appropriating to his own use any moneys arising from bonds or taxation, subject to imprisonment.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. The City Councils of all cities of the first class are hereby authorized to issue bonds of the city for the purpose of opening streets, constructing ditches, building water works and sewers, and constructing embankments and ditches or other means for disposing of storm or surface water thereby to prevent the destruction of private or public property within the limits of said city. All such bonds shall be of a denomination of not less than one hundred dollars, or some multiple thereof, and shall bear interest at the rate of four per cent per annum said interest payable semi-annually on the first day of February and the first day of August of each year, and to be evidenced by interest coupons attached to said bonds, and the principal and interest shall be payable at such place as may be agreed upon and determined by the city council issuing the same. All bonds issued under and pursuant to the provisions of this act shall be absolutely due and payable thirty years after the issuance thereof, and redeemable at the option of said cities after twenty years from the date of the issuance thereof; they shall be litho-

graphed and signed by the mayor of the city, and countersigned by the clerk of the city, and bear the corporate seal of the city, except the coupons thereto attached, to which the lithographed signature of said mayor and city clerk shall be sufficient, and which bonds shall be in the form as adopted by the city council. Said bonds shall be issued and sold in such manner as the city council may direct, but none of said bonds shall be sold for less than 95 per cent of their face value. The interest coupons of said bonds shall be payable in cash at the time and place where the same are made payable by the terms of the bonds to which they are attached; but they may be received in payment of all taxes, excepting taxes levied for the payment of interest on bonds, regularly assessed and levied by the city issuing the same, and it shall be the duty of the officer charged with the collection of the taxes of said city to receive such coupons in payment of city taxes, except taxes levied for the payment of interest on bonds, and to issue a receipt therefor to the amount of the face value of the interest coupon so received, and to transmit such coupons to the city treasurer who shall allow credit for the same to said officer charged with the collection of such taxes.

SEC. 2. At the time of the making of the annual assessment and levy for taxes within any city of this territory issuing bonds under and pursuant to the provisions hereof the city shall make a levy upon all the taxable property lying within the corporate limits of the city sufficient to pay the interest falling due upon said bonds, and after ten years from the date of the issuing of any such bonds, shall in the same manner levy a tax sufficient to create a sinking fund that shall equal $2\frac{1}{2}$ per cent of the amount of all bonds then issued and outstanding, which tax shall be levied annually for the period of ten years, and after twenty years from the date of the issue of any such bonds it shall be the duty of said city council to levy and assess a tax sufficient [sufficient] to create a sinking fund equal in amount to ten per cent of the amount of all bonds issued under the provisions of this act and then outstanding. It shall be the duty of the city treasurer when there are sufficient funds in his hands to the credit of the redemption fund created under the provisions of this act to pay in full the principal and accrued interest of any bonds issued hereunder (provided that said redemption fund shall then equal the sum of \$1,000.00, or some multiple of \$100.00 above said sum of \$1,000.00) immediately to call in and pay as many of such bonds with the interest accrued thereon as the funds on hand will liquidate and pay, having first given notice by publication, for at least four consecutive weeks in a newspaper published in said city that upon the presentation of certain bonds designating them by number, date and amount, he will pay the same, and interest upon such bond, or bonds shall cease thirty days after the last publication aforesaid.

SEC. 3. Any officer or agent of any municipal corporation who shall appropriate for his own use any moneys arising from the sale of any bonds as provided by this act, or who shall divert from its use as provided in this act any of the funds raised by taxation or otherwise for the purpose of the payment of the interest accruing upon said bonds upon conviction thereof shall be punished by imprisonment in the territorial penitentiary for a period of not less than three, nor more than ten years.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

CHAPTER LXIX.

AN ACT FOR THE PROTECTION OF ELK IN THE TERRITORY OF NEW MEXICO. C. B. 135; *Approved March 16, 1899.*

CONTENTS.

Sec. 1. Unlawful to kill or injure elk for five years.

Sec. 2. Made an offense. Each animal killed constitutes a separate offense. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. After the passage of this act for a period of five years thereafter, it shall be unlawful to kill or in anywise destroy or injure any elk in the Territory of New Mexico.

SEC. 2. Any person or persons violating the provisions of this Act shall be punished by any court before whom complaint may be made, by a fine not to exceed \$100.00 and not less than \$25.00 or by imprisonment in the county jail not to exceed thirty days and not less than fifteen days. Each animal killed, injured or in anywise destroyed shall constitute separate offence under the provisions of this act.

SEC. 3. This Act shall take effect from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER LXX.

AN ACT TO PROVIDE FOR THE TRANSCRIPTION OF RECORDS WHERE NEW COUNTIES ARE CREATED IN THE TERRITORY OF NEW MEXICO, AND FOR OTHER PURPOSES. *C. B. 62; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. When new counties created, the *ex-officio* recorder shall transcribe in a book all instruments of writing affecting real estate or personal property situate in the new county.
- Sec. 2. The *ex-officio* recorder shall duly certify under seal the record so transcribed.
- Sec. 3. Such transcribed record shall be taken and accepted in law as the equivalent of the original.
- Sec. 4. Records heretofore transcribed and certified for new counties shall have the force and effect of certified copies.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That whenever new counties have been or may hereafter be created by law, it shall be the duty of the probate clerk and ex-officio recorder of which the same was formerly a part, to transcribe all that portion of the deeds, deeds of trust, mortgages and bills of sale and other instruments, records of his office which affect real estate or personal property situate in the new county, in a substantial book of record to be furnished by him at the expense of the new county, and he shall be paid therefor by the new county at the rate now allowed by law for making copies of such records. "*Provided*, in the event of the creation of new counties as contemplated by this act, instruments of writing referring or relating to real estate or personal property located in such new county, shall be recorded in the old county from which said new county's territory may have been taken, by the proper recording officer until the proper recording officer may be appointed, or elected, in and for such new county; and the transcription of records as herein provided to be made by the recording officer, shall include all such instruments so recorded."

SEC. 2. When said probate clerk and ex-officio recorder shall have completed such transcription of said records, he shall enter upon each of the books of record as transcribed, a certificate under his hand and official seal of said transcribed records as indicated in said books containing all of the records filed and recorded in his office between the dates indicated in said books affecting real estate or personal property situated within the boundaries of the new county, that the same is a complete and correct transcription thereof, and the notation and certificates entered on the original record in connection thereof.

SEC. 3. Upon the completion of the transcription of any such record in the manner above provided and the delivery thereof to any such new county the same shall be taken and deemed in law the equivalent of such original record and be of the same force and effect and impart notice equally with original records, and certified copies of the transcribed records or any part thereof made by the probate clerk and ex-officio recorder of said new county shall be receivable in evidence in the same manner as certified copies of such original records would have been so received.

SEC. 4. Whenever any county heretofore created by law has already caused records effecting [affecting] the property therein to be made from the records of the county or counties, from which the same was created and certified to be such transcription by the probate clerk or ex-officio recorder making the same; such transcription shall have the same force and effect and certified copies or any part thereof shall be receivable in evidence as above provided for counties which shall hereafter have such transcription.

SEC. 5. This act shall take effect immediately after its passage, and all acts and parts of acts in conflict herewith, are hereby repealed.

CHAPTER LXXI.

AN ACT IN REFERENCE TO PRIVATE CORPORATIONS. *C. B. 145: Approved March 16, 1899.*

CONTENTS.

Sec. 1. Of the election of directors, when regular election fails.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. Whenever any private corporation in this territory has or may hereafter fail to hold the annual meeting of its stockholders for the purpose of electing a board of directors thereof at the time and place required by its charter or by laws the president of such corporation upon the request of any two members of the board of directors is hereby required to call a special meeting of the stockholders of such company, at the time and place designated in such request by a notice published once a week for two consecutive weeks in some newspaper published daily or weekly in the city town or village where the last preceding meeting of the said stockholders was held: and in case the president shall fail to call such meeting of the stockholders, then the same may be called by a notice signed by a majority of the directors of said company and published once a week for two consecutive weeks, in some newspaper published daily

or weekly in such city town or village where the last preceding meeting of the stockholders was held, specifying the time and place of such meeting and the object thereof, which may be for the election of a board of directors or any other business which may be transacted by the stockholders.

SEC. 2. This act shall take effect on its passage, and all laws in conflict herewith are hereby repealed.

CHAPTER LXXII.

see sec. 495 of C.L. 1897 ~~see~~ L. 1903, § 97, sec. 21
 AN ACT RELATING TO BUILDING AND LOAN ASSOCIATIONS, AND PROVIDING PENALTIES FOR FAILURES TO COMPLY THEREWITH, AND REPEALING ALL ACTS IN CONFLICT THEREWITH. *S. C. B. 79; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Powers of building and loan associations authorized.
- Sec. 2. Designates words that shall form part of the corporate name.
- Sec. 3. Of powers and methods of doing business.
- Sec. 4. Of officers, functions and compensations, etc., determined by the by-laws; filing of by-laws with county recorder.
- Sec. 5-6. No officer or director shall receive a loan. Of loans and holding of real estate, mortgages, judgments, foreclosures, etc. Limitations.
- Sec. 7. Of premiums, fines and interest and the collection thereof. Limitation.
- Sec. 8. Failing to elect officers at appropriate time, old officers hold over.
- Sec. 9. Of property held by purchase, mortgage, judgment, etc. Sales confirmed.
- Sec. 10. Of officers and directors elected annually. Treasurer shall give bond. Failing, liable to penalty.
- Sec. 11. Death, removal or resignation of president, directors to fill vacancy.
- Sec. 12. Report shall be made and filed with recorder of county. Contents of report. Failure to file. Penalty.
- Sec. 13. False reports and entries or statements of finances. Felony.
- Sec. 14. Business conducted in manner unauthorized or jeopardizing, solicitor general may apply for receiver.
- Sec. 15. Foreign building and loan association. What constitutes.
- Sec. 16. Foreign associations shall file verified statement of business condition. Appoint secretary of territory as attorney, etc. Fee.
- Sec. 17. Annual statements filed by foreign associations. Requirements of foreign states shall govern as to foreign associations.
- Sec. 18. Foreign associations doing business without having complied with the law, its agent deemed guilty of misdemeanor.
- Sec. 19. Building and loan associations hereafter formed shall adopt constitution and by-laws in conformity with the provisions of this act.
- Sec. 20. Foreign associations doing business shall pay a license to territorial treasurer of \$2 on every \$1,000 of its assets. Proviso. Domestic associations pay a license to county treasurer of \$1 on every \$1,000 of its assets.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. Any association of not less than three persons hereafter incorporated under the laws of this Territory, which shall be

organized within this Territory for the purpose of raising a fund by the collection of dues or stated payments from its members, to be loaned among its members, shall, in furtherance of such purpose, and after having complied with the requirements of this Act, be authorized and empowered to levy, assess, and collect from its members such sums of money, by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans, as the corporation may provide for in its constitution or by-laws. Also, to acquire, hold and convey all such real estate and personal property as may be legitimately pledged to it upon said loans, or may otherwise be transferred to it in the due course of its business.

SEC. 2. The words "loan and building association," "building association" or "building and loan association" shall form part of the corporate name of every such corporation.

SEC. 3. Every such association now or hereafter incorporated under the laws of this Territory complying with the provisions of this Act, may issue and sell its shares of stock in one or more successive series, or upon the permanent or Dayton plans in the denominations and to the extent as limited in the articles [articles] of incorporation of such association either fully or partially paid up in periodical or other installments, or upon all, either, or any of these plans and with or without full participation in the earnings of such association, or partially in limited dividend bearing stocks as may be provided by the by-laws of such association, for the purpose of raising a fund to make advances to members upon first mortgage, or trust deed, liens, upon real estate and upon the shares of stock issued by such association, or upon both such securities. Borrowing [borrowing] members of such associations shall be required to carry such periodical assessment stock with the association as shall have a par value equal to the loan and every share issued shall be subject to a lien for any advance made thereon, or other claim against the holder. Every such association may redeem its shares, and repay the funds acquired thereby with such earnings as the same may be entitled according to the terms of the issue thereof whenever the same shall be no longer required for the purposes of the association. Any stockholder wishing to withdraw may do so at such time and on such notice and terms as provided by the by-laws; *Provided*, That no association, either foreign or domestic, doing business in this Territory shall, on such business in paying the withdrawal of any certificate or any number of certificates originally issued to the same person, deduct an amount to exceed one dollar (\$1.00) per share as a withdrawal fee, which shall be further limited so that such fee shall not exceed five dollars (\$5.00) in any one transaction, irrespective of the number of shares in such certificates included in such transaction, when he or she shall be entitled to received the

amount provided by the by-laws, or determined by the Board of Directors less all fines or other charges; *Provided*, that at no time shall more than one-half of the monthly receipts of the association be applicable to the demands of withdrawing shareholders without the consent of the Board of Directors, and that no shareholder in debt to the association shall be entitled to withdraw or transfer his shares [shares] held without the consent of the Directors of the association until such debt shall be paid.

SEC. 4. The number, titles, functions and compensation of the officers of any such association, their terms of office, the time of their election as well as the qualifications of the electors, and the votes and manner of voting, and the periodical meetings of such corporation, and the manner and terms upon which loans shall be made and repaid shall be determined by the by-laws. All such by-laws shall be made by the stockholders at their annual meeting, or by the board of Directors of such Corporation at any regular meeting of the Board of Directors. Every such corporation before commencing business under this act, shall file a copy of its by-laws with the Clerk and Recorder of the County in which the principal business of such corporation is carried on; and shall likewise so file copies of all subsequent changes and amendments of such by-laws; and all such corporations now doing business in this Territory shall immediately file copies of their by-laws with the Clerk and Recorder of the proper county; and also so file all subsequent changes and amendments thereto; *Provided*, that no such subsequent change or amendment to such by-laws shall in any manner change or affect the terms and conditions of any loan made prior to such change or amendment in said by-laws.

SEC. 5. No officer or director of any association shall negotiate for or receive a loan from such association, neither shall any loan be granted by such association to other parties upon security in which any officer or director of such association has an interest of any kind, except that any officer may be permitted to receive a stock loan to an extent and not to exceed ninety per cent of the book value of the collateral shares; *Provided*, that the foregoing provisions of this section shall not apply to domestic associations doing business only in one county of the Territory. Any association may from time to time as its by-laws may provide, invest any portions of its funds not immediately required by its members in loans upon real estate or other securities, or invest in bonds, warrants or other securities, or may loan such surplus to any other association complying with this Act. Real estate may be purchased by such association under its own foreclosure proceedings, judgment or lien, or whenever it may be necessary to protect itself from loss, and the same shall be converted into money by sale as speedily as may be without detriment to the interests of the association. Any association under

the laws of this territory may purchase, build, hire or take upon lease any building for conducting its business and may adopt and furnish the same and may purchase, or hold upon lease, any land for the purpose of erecting thereon a building for conducting the business of the society, and may sell, exchange, or let such building, or any part thereof. Any association incorporated under the laws of this Territory, and complying with the terms of this Act, may, in such manner and to such extent within the limits hereinafter stated as may be provided in its by-laws, negotiate for and receive such long time, or short time loans on note or bond, as may be found necessary to advance the purposes of the association; *Provided*, that no association shall borrow money at any time to exceed one-fourth of its accumulated assets; *Provided, further*, That no note, bond or other form of evidence of such debt shall be secured by the pledge of notes, bonds, or other securities, held by the association, in such manner as to permit a sale of such collateral, but only to the extent of giving to the pledgee a prior lien for repayment on the proceeds of such collateral when collected in the usual way according to their respective terms, except that this section shall not be held to abridge the right of any association to secure any loan obtained by mortgage or trust deed upon its real estate holdings to the same extent and manner as might be done by any other corporation under the laws of this territory.

SEC. 6. Every such corporation organized under the laws of the Territory of New Mexico may loan its accumulations to members upon such plan of repayment as provided by its by-laws. They may charge, contract for and recover a premium upon such a plan as may be provided for in the by-laws, or note or other evidence of indebtedness taken by such association, all of which notes shall be in form non-negotiable.

SEC. 7. No premiums, fines or interest on such premium that may accrue to the said association, according to the provisions of this Act, shall be deemed usurious; and the same may be collected as debts of like amount are now by law collected in this Territory; but no fees for non-payment of dues shall exceed five per cent per month for the first sixty days, and two per cent per month thereafter.

SEC. 8. No corporation organized under this act, shall cease or expire, from neglect on the part of the corporation, to elect officers at the time mentioned in their charter or by-laws, and all officers elected by such corporation, shall hold their office until their successors are duly elected and qualified.

SEC. 9. Any building or loan association incorporated by or under the provisions of this act, or any one heretofore or hereafter incorporated, is hereby authorized and empowered to purchase at any sheriff or other judicial sale or at any other sale, public or pri-

vate, any real estate upon which said association may have, or hold mortgage, trust deed, judgment lien or other incumbrances, or in which said association may have an interest, and the real estate so purchased, or any other that such association may hold, or be entitled to at the passage of this Act, to sell, convey or lease at pleasure to any person or persons whatever, and all sales of real estate heretofore made by such association, to any person or persons not members of the association so selling are hereby confirmed and made valid.

SEC. 10. The business of every building and loan association created or incorporated under this Act, shall be managed and controlled, by a President, a Board of Directors or Trustees, a Secretary and Treasurer, and such other officers or agents as the by-laws may provide. The Directors or Trustees shall be elected annually by the stockholders, or members at the time fixed by the by-laws; and shall hold their office until others are chosen and qualified in their stead, the manner of such choice, and of the choice or appointment of all other agents or officers shall be prescribed by the by-laws. The number of Directors or Trustees shall not be less than three or more than thirteen, one of whom shall be chosen President by the Directors or by the members of the corporation, as the by-laws may direct: the stockholders of said corporation may, at a meeting called for that purpose, determine, fix or change the number of Directors or Trustees, not less than three, that shall thereafter govern its officers; and a majority of the whole number of such Directors or Trustees shall be necessary to constitute a quorum. The treasurer shall give bond in such sum and with such surety as shall be required by the by-laws, for the faithful discharge of his duties, and he shall keep the monies of the corporation in a separate bank account to his credit as treasurer; and if he shall neglect or refuse so to do, he shall be liable to a penalty of fifty (50) dollars for every day he shall neglect so to do, to be recovered for the benefit of any such association, at the suit of any stockholder, and shall be subject to removal from office; *Provided*, that such building and loan association may designate as its treasurer some responsible bank or trust company.

SEC. 11. In case of the death, removal or resignation of the President, or any of the Directors, Secretary, Treasurer, or other officer of such corporation, the remaining directors may fill the vacancy thus created until the next general election.

SEC. 12. On or before the first day of February in each year, every such building and loan association heretofore or hereafter organized under the laws of this Territory, shall file with the Clerk and Recorder of the county in which the principal business of such corporation is carried on, a report of its affairs, and operations for the year ending on the thirtieth day of December. Such report

shall be verified, under oath, by the President and Secretary, or by three Directors of the Association, and contain answers to the following questions:

First, the amount of authorized capital and the par value of each share of stock; second, the number of shares sold during the preceding year; third, the number of shares cancelled and withdrawn during the preceding year; fourth, the number of shares in force at the end of the preceding year; fifth, a detailed statement of receipts and disbursements including an itemized statement of the expenses of conducting and operating said building and loan association during the preceding year; sixth, a detailed statement of assets, and liabilities at the end of the preceding year, and pay to the Clerk and Recorder of the proper county a fee of fifty (50) cents on filing such report. If any officer of such association shall fail to file such report as required by this Act, or if any such report shall be delayed or withheld [withheld] beyond the day when the same should be so filed, such officer of such association shall forfeit and pay the sum of ten (10) dollars for every day such report is withheld or delayed; and any stockholder of such association, or any party in interest may maintain an action in his name to recover such penalty, and the same shall be paid into the county treasury and applied to the benefit of the school fund. After receiving such report, the Clerk and Recorder of the proper county shall issue his certificate, stating the compliance with such provisions, and that the corporation is entitled to do business, which such certificate shall be in force for the period of six months next ensuing.

SEC. 13. Every person who shall willfully or knowingly subscribe or cause to be made any false report, false statement or false entry in any book of any association organized for the purpose set forth in section 1 of this Act, or exhibit false papers with the intent to deceive any person, or shall make, state or publish any false report or false statement of the financial condition of such association, shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined in any sum not exceeding five thousand (5,000) dollars, and be imprisoned in the Territorial penitentiary not less than one, nor more than five years.

SEC. 14. Whenever it shall appear to any party in interest, or to any creditor of any such association heretofore organized, or which may hereafter be organized, that such association is conducting its business in an unsafe or unauthorized manner, or is jeopardizing the interests of its members, or that it is unsafe for such association to transact business, he or they shall communicate such fact to the Solicitor General of the Territory, whose duty it shall then become to investigate the affairs and conditions of such association, and if, upon such investigation he shall be satisfied that

such association is conducting its business in an unsafe or an unauthorized manner, he shall apply to the District Court of the county where such association is located for the appointment of a Receiver to take charge of said association, and if such fact or facts be made to appear to such District Court it shall be sufficient to authorize the appointment of such Receiver, and the making of such orders and decrees in such cases as equity may require.

SEC. 15. Every corporation, company or association now doing or contemplating doing business in this Territory, and having for a part of its title or name the words "Loan and Building Association," "Building Association," "Building and Loan Association," "Saving and Loan Association," or "Co-operative Bank," "Saving and Investment Company," and every corporation, company or association whose stock is payable by an accumulating fund in regular or stated periodical installments; and every corporation, company or association doing business in a form and character similar to that authorized to be done by Section 1 of this Act, shall, if organized or incorporated in any State or Territory other than the Territory of New Mexico, be known in this Act, as a foreign building and loan association.

SEC. 16. It shall not be lawful for any foreign building and loan association, directly or indirectly, to transact any business in this Territory without first filing in the office of the Secretary of the Territory a statement sworn to by the President and Secretary of the association, which statement shall show the name and locality of the association and an itemized account of its actual financial condition, showing assets and liabilities, and receipts and disbursements for the past twelve months, including also therein an itemized statement of its expense account. Said statement shall, further, show the amount and number of shares subscribed, the number cancelled and withdrawn during the past year, the number of shares actually in force at the date of the statement and all such other information touching its affairs as the secretary of the Territory may require. Such foreign building and loan association shall also file with the secretary of the Territory a certified copy of the laws of the State, Territory or government under which it is incorporated, relating to or authorizing the incorporation of such association, and also of the laws of such state, Territory or government pertaining to the regulation, government or control of building and loan association, both foreign and domestic, and of its charter, or article of incorporation, and of its constitution and by-laws and all amendments thereto, and shall, further, appoint the Secretary of the Territory as its attorney, which appointment shall be in a form of a resolution of the Directors or Board of control of such association, and shall be duly certified under the seal of the association by its President and Secretary, and which shall authorize its said attorney,

the Secretary of the Territory, to acknowledge services of process in behalf of such association, consenting that service of process, mean or final, upon such association, shall be taken and held as valid as if served upon the association according to the laws of this or any other state or Territory, and waiving all claim or right of error by reason of such acknowledgment of service. Said foreign association shall pay a fee for filing the papers referred to in this section as follows: Any association having a capital stock of not to exceed one million dollars, shall pay a fee of Two Hundred Dollars, and an additional fee of one-fourth of one per cent, of its authorized capital stock in excess, if any, of two hundred and fifty thousand dollars, and shall hereafter pay to the Secretary of the Territory, a fee of twenty-five dollars (\$25.00) upon filing each subsequent annual statement, which shall go to the credit of the Territorial Interest Fund.

SEC. 17. The statements required of foreign building and loan associations shall be renewed annually in April, in the manner as required by this act, and shall be made at such other times as the Secretary of the Territory may require. When, however, the laws of any other State, Territory or Nation, and under which such association may be incorporated, require any taxes, fines, penalties, licenses, fees, deposits of money, or securities, or other obligations or prohibitions of any associations that might be organized under the laws of this Territory and doing business in such other State, Territory or Nation, or impose the same upon its agents doing business therein, then so long as such laws continue in force, the same obligations and prohibitions of whatever kind, shall be imposed upon all such foreign building and loan associations of such State, Territory or Nation, doing business in this Territory, and upon their agents here, to the extent that the same may be in excess of the requirements imposed upon such [such] foreign associations by the provisions of this Act.

SEC. 18. Any person doing business or soliciting or attempting to do business in this Territory for any foreign building and loan association which shall not at the time have fully complied with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand (1,000) dollars, or imprisoned in the county jail not more than thirty days, or both in the discretion of the court.

SEC. 19. Every building and loan association hereafter formed shall be organized under the provisions of this Act, and shall adopt a constitution which shall substantially give effect to the provisions of this Act; and shall also adopt such by-laws for the government and management of its business as it shall deem proper; *Provided*, That the same shall not be inconsistent with this Act, and shall not contravene the laws or constitution of this Territory, or the United

States; and may alter and amend the same from time to time in such manner as may be provided by its articles of incorporation.

SEC. 20. Every foreign association or company hereafter doing any building or loan or savings and loan business within this Territory, or any business specified or provided for in this Act shall pay an annual license fee equal to two dollars for each and every thousand dollars of assets owned or possessed by said association or company. Said license fee shall be paid to the Territorial Treasurer on or before the first day of April of each and every year, said license when paid to be, by said treasurer, credited to and placed in the interest fund, and every domestic association hereafter doing any building and loan or savings and loan business within this Territory, or business specified or provided for in this Act, shall pay an annual license fee equal to one dollar for each and every thousand dollars of assets owned or possessed by said association or company. Said fee shall be paid to the county Treasurer of the county in which the principal or home office of the said company or association is located on or before the first day of February of each and every year, said license fee, when paid, to be, by said county treasurer, credited to and placed in the general county fund. *Provided*, that no foreign building and loan association or savings and loan company shall be permitted to transact any business in this Territory whenever it shall appear that the first mortgage real estate assets of any such association or company is less than one hundred thousand dollars.

SEC. 21. All acts and parts of acts relating to building and loan associations heretofore passed in this Territory, and not inconsistent with the provisions hereof, are hereby continued in force, and all acts and parts of acts in conflict with this act are hereby repealed, and this Act shall be in full force and effect from and after its passage.

CHAPTER LXXIII.

AN ACT FORBID[D]ING THE MAYORDOMOS OF ACEQUIAS FROM TAKING OR CARING FOR ANY LANDS OR ALFALFAS UNDER IRRIGATION, DURING THEIR TERM OF OFFICE AND LIMITING THEIR TERM OF OFFICE. *C. B. 133; Approved March 16, 1899.*

CONTENTS.

Sec. 1. Unlawful for mayordomos of acequias to.

Sec. 2. Violation of section 1. Misdemeanor or penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That hereafter it shal[l] be unlawfull [unlawful] for anv mayor-domo or mayordomos of acequias, to take on shares

care for, or rent or lease any lands, lots or alfalfa fields under irrigation within the ditches [ditches] for which they are mayordomos, during the time that they are said mayordomos, besides those lands actually belonging to them as their own property or that of their wives.

SEC. 2. That any violation of the above and foregoing section shall be considered a misdemeanor, and be punishable upon conviction [conviction] by imprisonment in the county jail for not less than 30 days nor more than six [six] months, or by a fine not less than \$25.00 nor more than \$100.00 or both, at the discretion of the court.

SEC. 3. This act will take effect and be in force from and after the next election of mayordomos or acequias.

CHAPTER LXXIV.

*Repealed
1907, p. 266.*
AN ACT ESTABLISHING A BOARD OF PUBLIC LANDS, ASSIGNING THEIR DUTIES AND FOR LEASING AND MANAGING PUBLIC LANDS AND FUNDS. C. B. 51; Approved March 16, 1899.

CONTENTS. *all repealed except sec. 2
as amended L. 1905, p. 308.*

- Sec. 1. Board of public lands constituted.
- Sec. 2. Creates office of commissioner of public lands. Qualify. Give bond. Sale. Proviso.
- Sec. 3. Governor shall be chairman of the board. Call meetings. Solicitor general the legal advisor.
- Sec. 4. Duties of the commissioner of public lands.
- Sec. 5. Allows \$1,500 for clerical help, etc.
- Sec. 6. Commissioner shall keep a tract book, cash book and record of the transactions of his office.
- Sec. 7. Commissioner shall keep separate accounts of all moneys received for respective funds named.
- Sec. 8. Commissioner to make monthly report to the board.
- Sec. 9. Appeals from commissioner to the board.
- Sec. 10. Lands granted the territory withdrawn from market, except as provided.
- Sec. 11. Board of public lands may grant rights of way and for purposes stated. Proviso.
- Sec. 12-13. Of appraisal and leasing of public lands.
- Sec. 14. Qualification of lessee.
- Sec. 15. Of relinquishment of leased lands and re-leasing.
- Sec. 16. Of assignment of leases.
- Sec. 17. Expiration of leases and payment of rentals.
- Sec. 18. Of renewal of lease and statement.
- Sec. 19. Of listing leased lands when lease is about to expire, and of appraisement.
- Sec. 20. Of publication of notice of letting such appraised lands.
- Sec. 21. Procedure in leasing.
- Sec. 22. Of leasing lands not disposed of as above.
- Sec. 23. Trespass upon such lands forbidden under penalty.
- Sec. 24. Failure to comply with lease works forfeiture.
- Sec. 25. At termination of lease improvements may be removed, provided all rents have been paid. Of growing crops.

- Sec. 26. All bids for leasing shall be in writing.
 Sec. 27. Of expenses incurred in leasing.
 Sec. 28. Funds derived are trust funds and shall not be diverted from purposes intended.
 Sec. 29. Income derived turned over to territorial treasurer, for use of institution or object for which granted.
 Sec. 30. School sections 16 and 36 occupied and improved, the person so occupying shall have a preference right to lease. Of sections occupied for cemeteries.
 Sec. 31. Authorizes sale to realize fees for acquiring. Territory shall reimburse.
 Sec. 32. Board authorized to sell for not less than \$3 an acre; net proceeds to be placed ratably to separate funds.
 Sec. 33. Board shall adopt a seal. Use of seal.
 Sec. 34. Of irrigation commission authorized, selection and building of reservoirs, and improvement of the Rio Grande. Reports. Limitation.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the Governor, Solicitor General and Commissioner of Public Lands shall be and hereby are constituted a board of public lands for the leasing, sale and general management and control of all public lands or public funds that have been granted or shall hereafter be granted for any purpose to the Territory of New Mexico, or to the State when it shall become a state and for the investment of any public funds as the best interests of the Territory, or State when it shall become a state shall require, not inconsistent with the provisions of the acts of the Congress of the United States of this act.

SEC. 2. The office of Commissioner of Public Lands is hereby created and the Governor shall appoint, by and with the consent of the Council a duly qualified person to fill said office who shall hold his office for two years and until his successor is appointed and qualified. Said commissioner of public lands shall receive for his salary the sum of two thousand dollars per annum, and all of which shall be paid out of the proceeds from the rents and sales of the lands hereinafter referred to and shall be payable quarterly. Said commissioner of public lands shall qualify by taking the usual oath of office and give bond in the sum of twenty-five thousand dollars to be approved by the Board and filed with the Secretary of the Territory, who shall record and safely keep the same. Said commissioner of public lands shall be the secretary of said Board. (*Amended 1901, p. 1, sec. 1.* "Provided, In case no sale of such public lands are made under the provisions of this Act, then and in that case the different members of this Board shall receive no salary.") *repealed 1901, p. 1, sec. 2.*

SEC. 3. That the Governor shall be chairman of the Board when present, and may call meetings of the same whenever the business of the office demands or at the request of two members of the Board. That two members of the Board shall constitute a quorum for the transaction of business. The solicitor general shall be the legal advisor to said board.

SEC. 4. That it shall be the duty of the Commissioner of Public Lands to keep the minutes of all meetings of the Board to keep all books and papers pertaining to the leasing or sale of land or investment or collection of funds [funds] to receive all moneys derived from leasing or sale of any land or investment or collection of funds and to disburse the same as directed by the board; to receive and pass on all applications for land and to make out proper leases and notes for the same and to present the same to the board with his recommendation; to furnish lists of vacant lands to all applicants; to keep a full and complete record of all his official acts; that the said commissioner shall prepare each year a report for publication bearing date of the last day of December, containing a statement of the business of his office, the transactions of the Board of Public Lands and the land affairs of the Territory, showing by tables the lands belonging to the several funds or institutions of the territory; the amount of land leased, the amount sold, if any, the receipts from all sources, the expenses connected with the transactions of the office and the amount turned over by him to the territorial treasurer for the benefit of each fund or institution, also such recommendations as he may desire to make and any such other information as the board may deem worthy of publication.

*inserted
101, sec. 2* SEC. 5. That the Board of Public Lands shall be allowed fifteen hundred (\$1,500.00) dollars annually out of the proceeds from the sales and leases in this act referred to, for the employment of such clerical assistants and agents as the business of said Board may require, the duty of such clerks and agents to be prescribed by the board.

*inserted
901, sec. 2* SEC. 6. That the Commissioner of Public Lands shall keep by sections, townships and ranges separate tract books of all lands reserved for the use and benefit of the different institutions and expiration of lease and number of cash payment receipts and registered numbers of all notes and payments thereof. That he shall record and number consecutively all leases approved by the Board and shall record in series according to date of maturity and fund to which they belong, all notes given for deferred payments under said leases, and in like manner shall record and number consecutively by series, all payments made on registered notes and post the same to the register of notes received. That he shall keep a cash book in which he shall each day record all moneys received by him from whatever source, showing by whom paid and note or cash payment number. That he shall also keep by series a record of all notes cancelled on account of new notes taken in case of transfer of lease to another party, or which may by the board be ordered cancelled for any other cause. That he shall keep a record of all expenditures; he shall keep a copy of all letters received or mailed affecting the status of leases.

(a) That he shall, unless otherwise directed, receive and accept or reject all applications for leases and give notice of his action to the applicant.

(b) That he shall report to the Board for cancellation of leases all delinquent lessees or those in any manner violating the essential condition of their leases.

(c) And he shall do all other necessary work connected with the administration of the duties of the Board of Public Lands.

SEC. 7. That the Commissioner of Public Lands shall keep separate accounts of all moneys received from lands reserved for common schools, a university, an agricultural college, a school of mines, normal schools, a military institute, a reform school, an institution for the blind, an asylum for the deaf and dumb, permanent water reservoirs for irrigating purposes, improvement of the Rio Grande, an asylum for the insane, a miners' hospital for disabled miners, public buildings at the Capitol, territorial penitentiary, the Territory of New Mexico or for any other purpose; and the said moneys shall be turned over to the Territorial Treasurer on the first day of each month to the credit of the several funds respectively entitled to receive the same.

SEC. 8. That the Commissioner of Public Lands shall, on the first day of each month make a report for the preceding month in writing, to the board, showing cash received and from what source and how disbursed, the number of applications received and accepted, leases executed and notes taken, transfers made, mail received and answered, and such other useful information as may by him be deemed necessary or may be requested by the Board or any member thereof.

SEC. 9. That any person aggrieved by the action of the Commission or of Public Lands may appeal to the board, or the board may review the action of the commissioner of public lands in any case on the request of any member.

SEC. 10. All lands granted to the Territory by Congress or that shall hereafter be granted to the Territory of New Mexico or the State of New Mexico by an Act of Congress, approved June 21, 1898, entitled "An Act to make certain grants of land to the Territory of New Mexico and for other purposes," or by any other act which may hereafter be passed by Congress for any of the purposes or similar purposes as those mentioned in the Act of Congress before referred to, are hereby withdrawn from market and the sale thereof, is hereby prohibited except as hereinafter provided.

SEC. 11. That the Board of Public Lands may grant the right of way across or upon any portion of the territorial lands, upon such terms as the board may determine, for any ditch, reservoir, railroad, public highway, or telegraph line, and may grant land for the purpose of building schools, colleges and churches, and for ceme-

tery purposes and may direct the Governor and commissioner of public lands to execute and sign, on behalf of the Territory a proper deed or other instrument of writing for such right of way or grant. *Provided*, That this section shall not be construed to grant authority to convey any such land except for the purposes above set forth, and no such grant or sale shall be made for less than the appraised value of the said land nor for less than three dollars per acre.

*included
1901, p. 128
cc. 3.*

SEC. 12. That any portion of the lands now subject to lease, or that may hereafter be subject to lease by Board of public lands shall be subject to lease, at an annual rental of not less than two cents per acre and for a period not exceeding five years. But not more than one section of land shall be leased to any one person, corporation or association of persons; that all lands to be leased shall first be appraised by the Board as hereinafter provided. That rentals must be paid semi-annually in advance but part of an annual rental may be deferred, until the first of October of the then current year, provided said deferred payment is secured in a manner satisfactory to the board. That in each lease the board shall make provisions against permitting the lessee to remove or use, or to allow any one to remove or use in any way any timber, stone or mineral found or in the lands leased, to said lessee unless such removal or use is provided for in said lease. The board shall also make provision, in the lease that the lessee will surrender the premises at the expiration of the lease, and whenever a lessee shall fail to pay a rental or any part thereof for a period of sixty days from the time said payment was due, his lease may be forfeited and fully set aside. That any rental or part thereof that shall not be paid when due shall become a first lien on all improvements and grown crops on the land for which the lease was given, and the lessee shall not be permitted to remove such improvements, or harvest or remove said crops until said rental has been paid together with all interest, costs, damages, and attorneys fees arising from the violation of the conditions of the lease. And said improvements and crops may be attached and sold according to the territorial laws relating to first liens on property.

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1901,
cc. 4.*

SEC. 13. That when in the discretion of the Board of Public Lands it shall be deemed advisable that any leased lands should be appraised, from one to three appraisers shall be appointed by the Commissioner of Public Lands, by and with the consent of the Board of Public Lands to appraise said land. And it shall be the duty of said appraiser or appraisers to inspect said lands personally and to describe carefully such lands and appraise them on a cash basis, according to instructions from the Board. That the appraiser or appraisers shall describe and appraise all grazing lands in tracts not to exceed one section, all agricultural lands in tracts of not to exceed forty acres and all timber lands in tracts not to exceed forty

acres. And said descriptions and appraisements shall be sworn and subscribed to under oath by said appraiser or appraisers and promptly forwarded by them to the Commissioner of Public Lands who shall preserve the same and enter them on books kept for the purpose. That such descriptions and appraisements shall be subject to revision and reappraisal by the Board at any time.

SEC. 14. That any person over twenty-one years of age or the head of a family and not in any manner in default in fulfilling any contracts heretofore made for leasing school lands shall be qualified lessee.

SEC. 15. That any lessee, may, upon payment of all that was due or to become due within sixty days, relinquish to the Territory all his right, title and interest in said lease upon condition that a new lease be granted to any responsible person named by the lessee, but such relinquishment shall not operate to discharge the lessee from any obligations under the lease, nor relieve him, or any joint principal or surety from payment of any notes given for rental of the land until the person named in the relinquishment shall have execute[d] a lease for the unexpired term and made good and satisfactory notes for all deferred payments.

SEC. 16. That no assignment of a lease shall be valid unless the same shall have been consented to by the Board through the Commissioner of Public Land and shall have been entered of record in his office within thirty days from the date thereof.

SEC. 17. That the date of the expiration of all leases shall be the first day of October of the year said lease is to expire. All unpaid rentals of any one year shall become due and payable on the first day of October of that year.

SEC. 18. That any lessee desiring to renew his lease for another term must make application in writing to the board on or before the first day of August, prior to the expiration of his lease and in such application must state clearly and precisely:

First. The number of acres in actual cultivation.

Second. The manner in which the land was cultivated during the term of his lease.

Third. The kind, character and value of the improvements thereon, separately stating the value of the moveable and permanent improvements he has made.

Fourth. What, if any, timber there is growing on such tract.

Fifth. What, if any, running water there is on such tract. *Amended 1901, Ch. 57.*
Which application shall be verified by oath or affirmation of the applicant, and in case such application is not so fixed as herein provided, the lessee shall be deemed to have waived his preference right to the renewal of his previous lease, and the board shall proceed to lease the same as provided by law.

SEC. 19. That the Board shall cause to be made a list of lands

upon which leases are about to expire, and the board may in its discretion forthwith cause the same to be appraised, which appraisalment shall be under oath of the appraiser or appraisers and shall state the natural character of the land and the cash value thereof and shall give a detailed statement of the improvements thereon by items, with the value of each item which appraisalment shall be subject to review and revision by the board.

That upon the return of such appraisalment each lessee shall be notified of the appraised rental value of the tract leased to him and of the appraised value of the improvements, notice to be by mail to the recorded address of such lessee, and if he has any objection to said appraisalment or complaint to make, he must notify the board within twenty days stating his objections and making his complaint under oath, supported by the affidavits of at least two reliable persons who know the land and the improvements thereon.

SEC. 20. That upon the return of such appraisalment the board shall cause to be published a circular for free distribution showing tracts for lease, appraised rental value and value of improvements and shall give notice by publication for three consecutive weeks, in some newspaper in the counties where such lands are situated, of the leasing of said land and shall require of all applicants other than the lessee a reasonable deposit as an evidence of good faith.

SEC. 21. That the Board shall immediately proceed with said bids as follows:

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First. In all cases where the applicant other than the lessee shall have offered a sum in excess of the appraised rental value of the land and shall offer to pay to the board for the benefit of the said lessee the appraised value of the improvements the lessee shall be notified that he will be permitted to lease the land at the price offered by said applicant; if within twenty days after the mailing of said notice the lessee shall notify the board of his intention to lease said land at the bid of said applicant or its equivalent, the land shall be awarded to the said lessee; otherwise it shall be awarded to the highest bidder who shall have complied with the foregoing provisions.

Second. All lands not leased under the foregoing provisions shall be awarded to the lessee if he shall have made application therefor at a price not less than the appraised rental value.

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1901 p. 129
sec. 7.
SEC. 22. That all lands not disposed of under the foregoing provisions shall be advertised for lease to the highest bidder at not less than two-thirds of the appraised rental and in no case below the minimum price.

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901 p. 129
sec. 8.
SEC. 23. That all persons are forbidden to enter upon and occupy or in any manner use for agricultural grazing or other purposes, any lands that are or that shall be under the control of the board of public lands and all persons will take notice that any

such trespass will be promptly prosecuted and the trespasser held liable in damages and that unless prompt settlement is made suit will be instituted by the board.

SEC. 24. That upon the non-payment of the rent on any land so leased when the same is due and payable or upon failure or refusal of the lessee to furnish additional surety for any deferred payments when requested so to do by the board, or if the lessee shall fail in any manner to comply with the provisions of his lease, or violates any of the conditions thereof, the board may, at its option declare such lease forfeited and the commissioner of public lands or any person by him authorized may take immediate possession thereof, together with all the improvements thereon and relet the same as other vacant lands are leased.

SEC. 25. That any lessee may at the termination of his lease remove any or all improvements of a movable character, including buildings and fences that have been placed on the leased premises by him, or any person having transferred to him, and he shall have the right to enter thereon to harvest or remove any growing crop thereon at the expiration of his lease. *Provided, however,* That in case the lessee is in default for non-payment of rent he shall not be allowed to remove such improvements or make such entry to secure crops until all arrearage of rent is fully paid; and, *provided, further,* that such improvements and growing crops shall be removed within sixty days after the termination of such lease and not thereafter.

SEC. 26. That all bids or applications for leases shall be made in writing to the commissioner of public lands who shall file said bids or applications for leases in his office. That the board of public lands shall provide for the time, place and manner of receiving such bids or applications.

SEC. 27. That all expenses necessarily incurred in the leasing, managing and control of said lands, or in investing, managing and collecting any permanent fund or income thereof under the control of said board of public lands shall be paid out of the funds or income derived from the same, and shall, unless incurred for the benefit of some particular fund, be charged to the different objects to which said lands or permanent funds belong in proportion to the rentals, interest, income or payments received therefrom during the then current or next preceding quarter.

*Amended
L. 1901, p.
sec. 9*

SEC. 28. All funds belonging to the Territory for any of the purposes for which the donations were made by the said Act of Congress herein referred to or any similar Act of Congress which may hereafter be enacted for the benefit of the Territory or the State of New Mexico, shall be deemed trust funds held by the Territory, the interest and income whereof are only to be used except as hereinafter provided and the Territory shall supply all losses of said

*Amended
L. 1901, p.
sec. 10*

funds that may occur, so that the same shall remain entire and undiminished and said funds shall not be invested or loaned except on United States or Territorial securities or registered county or municipal bonds approved of by said board issued by counties and municipalities in this Territory, and such funds, with the interest and income thereof, are hereby pledged for the purposes for which they were or may be created and shall not be transferred to any other fund for any other purposes.

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901, p. 129
sec. 11.

SEC. 29. That the income derived from leasing of said lands or from the investment or loaning of the funds belonging to any of the institutions or objects mentioned in this act shall be turned over to the Territorial treasurer, as provided for in this Act, to the sole credit, and for the sole use, establishment and maintenance of that particular institution or object for which the said lands or funds were granted or set apart. And said income derived from leasing, investment or loaning, in excess of actual expenses necessarily incurred in connection with the execution thereof, and so turned over to the credit of any particular institution or object, shall be paid out to said institution or object according to the provisions for paying public moneys to such institutions or objects: *Provided*, That the Territorial treasurer shall, quarterly, on or before the first Monday of March, June, September and December make a complete exhibit of all moneys applicable to the use and support of the common schools of the Territory and shall deliver the same duly certified to the territorial superintendent of public instruction; and within twenty days thereafter the territorial superintendent shall make the apportionment of said moneys to the various counties according to the pro rata enumeration of school children in each county last returned from the county superintendent, and shall certify the apportionment of each county to the territorial treasurer and territorial auditor and to [t]he treasurer and superintendent of each county, and the territorial auditor shall draw his order on the territorial treasurer in favor of the treasurer of each county for the amount proportioned to the county; and said moneys so apportioned shall be apportioned and distributed in said county according to the provisions governing the apportionment and distribution of othe [other] territorial funds.

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sec. 12.
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405, p. 205

SEC. 30. That whenever any school section, that is section 16 and 36 or any other portion of the public domain which may be selected or segregated for the purposes of this act is occupied by any person or persons, such person or persons having made improvements thereon, such person or persons shall have the preference right to lease such section or a part thereof so occupied and improved and when the same may be sold or offered for sale, such person or persons shall have the preference right of purchase thereof; and *provided further*, whenever any school section or any part

thereof or any other portion of the public domain which may be selected and segregated for the purposes of this act and which may be occupied or used as a cemetery or burial ground by any person or persons or community, such person or persons or community shall have the preference right to purchase the same at one dollar and twenty-five cents per acre and said section or parts thereof so used shall not be leased under the provisions of this act, except for cemetery purposes to persons or community occupying the same for such purpose.

SEC. 31. The said Board hereby created is hereby authorized and empowered in order to immediately raise the necessary funds to secure the lands already donated to the Territory by the act of Congress herein mentioned, it being impossible for the Territory to immediately provide the same owing to its financial condition, to contract for a sale and to sell and dispose of a sufficient quantity of any of the lands authorized by the said Act of Congress before mentioned to be sold and disposed of, for the best price obtainable and for a sum not less than three dollars per acre, sufficient to realize the amount of eighteen thousand dollars, out of which amount when so realized the fees of the offices of the various land offices where any of the lands so donated by said Act of Congress may be situate, shall be paid, and the remainder thereof, if any, may be used for carrying out the provisions of this act; the Auditor of this Territory shall make a levy each year hereafter on all taxable property in this Territory sufficient to raise the amount of thirty-six hundred dollars each year for the purpose of re-imbursing to the institutions or the beneficiaries in the Act of Congress provided for the amount of money which shall be realized upon the lands of any such institution or beneficiaries, which may be sold as provided for in this section, and such levy shall continue from year to year until the total amount so realized from the sale of such lands shall be fully re-imbursed without interest.

SEC. 32. The said Board is also hereby empowered and directed to contract for sale and to sell [sell] for cash, under such rules and regulations, and upon such notice as the Board may prescribe, not to exceed twenty-five per cent. of all the lands granted to the Territory of New Mexico, which are saleable under the act of Congress hereinbefore referred to at the best price obtainable, which shall not be less then [than] three dollars per acre. All moneys received on account of such sales, after deducting all such necessary costs and expenses as may be incurred in the management protection and sale of said lands, including the salary of the Land Commissioner and expenses of the Board, shall be placed to the credit of separate funds, which are hereby created under their respective and appropriate designations, for the respective purposes named in said Act of Congress, rateably in the prop[or]tion which the number of acres of land donated for each such purpose bears to the whole num- *Amended L. 40, sec.*

ber of acres so donated; so that each of said funds shall receive, out of the proceeds of any land so sold, and in lieu of its share of the land so donated, a proportionate amount of the proceeds in cash.

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sec. 14 SEC. 33. The said board of public lands shall adopt a seal and all contracts and deeds necessary to carry into effect the sales provided for in this act shall be signed by the Governor and attested by the commissioner of public lands with the seal of said board affixed.

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901, p. 132
sec. 15. SEC. 34. For the purpose of facilitating the selection of lands donated to the Territory of New Mexico by the act of Congress heretofore referred to for the establishment of permanent water reservoirs [reservoirs] for irrigating purposes, and for the improvement of the Rio Grande and increasing of the surface flow of water in the bed of said river, there is hereby created a commission of irrigation, to consist of five members to be appointed by the Governor, with the advice of the council [council], to serve for two years and until their successors are appointed. Such commission shall elect from among their members, a president and secretary. The members of said commission shall serve without pay or compensation. It shall be the duty of said commission to investigate and select the most suitable sites for permanent water reservoirs for irrigating purposes, and for improvement of the Rio Grande, and also to designate such tracts of public land capable of irrigation from such reservoirs as would in their judgment be advisable to locate for the Territory under said Act of Congress, in order to secure the benefit of the enhanced value of the lands resulting from the establishment and construction of such reservoirs, for which purposes they may employ all necessary expert assistants, and to certify the result of such investigation, selection and designation to the commission created and acting under said act of congress for the selection of the lands donated thereby. Said commission, shall also at least thirty days before the meeting of the Legislature, make a report to the Governor, embracing all available information concerning the best method for improving the Rio Grande and increasing the surface flow of the water in the bed of the said river; also concerning the subject of irrigation and water supply, the quantity of land in the Territory cultivated by means of irrigation, the extent of present and proposed system of storage reservoirs, the conditions existing in different parts of the Territory with reference to irrigation and water rights, and such other facts as they may deem proper together with recommendations as to needed legislation on any of such subjects.

The necessary expenses incurred by the Commission to be certified by the secretary [secretary] thereof, and approved by the Governor, shall be paid out of the proceeds of the land sold under this Act which are credited to the fund for the establishment of permanent water reservoirs for irrigating purposes and the improvement

of the Rio Grande. *Provided*, that the expensew [expenses] provided for in this section shall not exceed fifteen hundred dollars for each year.

CHAPTER LXXV.

AN ACT RELATING TO PRACTICE IN THE SUPREME AND DISTRICT COURTS AND FOR OTHER PURPOSES. *C. B. 125; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. On appeal or suing out writ of error, appellant give bond for costs.
- Sec. 2. Supreme Court shall fix rule governing costs on appeal and writs of error.
- Sec. 3. Clerks of the District Court "shall not demand the payment in advance of all costs," etc.
- Sec. 4. Bonds for costs shall be conditioned for payment of all costs, etc.
- Sec. 5. Of stenographic reports of trial and bills of exception.
- Sec. 6. This act shall not affect proceedings for habeas corpus, mandamus, prohibition, quo warranto or other extraordinary writ, etc., nor affect actions of replevin, ejectment or proceedings by attachment, except, etc.
- Sec. 7. Of executions and other writs, and return thereof, and of service by publication.
- Sec. 8. Of order or judgment discharging an attachment, and review in supreme court. Giving bond, etc.
- Sec. 9. Final judgment in attachment not necessary before review on appeal or writ of error.
- Sec. 10. If defendant in attachment before judgment causes bond to plaintiff, restitution of property and discharge of garnishee follows.
- Sec. 11. When upon trial judgment rendered against defendant, judgment also against the sureties on bond to discharge attachment.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SEC. 1. Hereafter whenever an appeal is taken to the Supreme Court, or writ of error sued out, and no bond for supersedeas is given, the appellant or plaintiff in error shall at the time of suing out such writ of error, filed with the Clerk of the District Court, in cases of appeal, and with the Clerk of the Supreme Court in cases of writs of error, a bond with sufficient sureties, qualified as in other cases, to the effect that appellant of plaintiff in error shall pay all costs that may be adjudged against him on said appeal or writ of error.

SEC. 2. The Supreme Court is hereby authorized and empowered to fix by rule, what shall be taxable costs, on appeals and writs of error.

SEC. 3. Hereafter the Clerks of the District Courts shall not demand the payment in advance of all costs made during the progress of causes. Said Clerks may, except in cases where suits are prosecuted by suitors suing as poor persons, demand a reasonable

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deposit from the parties to the cause, for the payment of the costs properly chargeable in the first instance to either plaintiff or defendant, which said deposit so demanded shall not at any one time exceed the sum of ten dollars, unless the excess is voluntarily deposited; no part of the deposits so made shall be paid into the treasury of the Territory, except so much thereof as has been earned by the Clerks as costs for services already rendered, and the part not so earned shall be retained by the Clerk to the credit of the depositor, and any surplus remaining after the final determination of the case, shall be accounted for to the depositor by the Clerk.

SEC. 4. The cost bonds provided for by this Act, both in the Supreme and District Courts, shall not specify any particular sum of money, but shall provide for the payment of all costs for which the party on whose behalf they are given shall become liable, on such appeal, writ of error, or suit, as the case may be.

SEC. 5. That sub-section one hundred and seventy-two (172) of section twenty-six hundred and eighty-five, Chapter One (1). Title XXXIII, of the Compiled Laws of 1897, be amended so as to read as follows: "In all cases tried by the Court, either with or without the intervention of a jury, the testimony, all rulings of the Court, objections made and exceptions taken on the trial, shall be taken down by the court stenographer, unless waived by the parties to the action. After such trial any party to the action may require the court stenographer to transcribe the whole or any part of his stenographic notes, and when the stenographer shall have transcribed his notes, he shall file the same in the office of the Clerk of the Court, in which the action in which they were taken was tried, and thereupon, either party to said cause desiring to have the same embodied in a bill of exceptions, may give ten days notice to the opposite party of his intention of applying to the judge of the court in which said cause was tried, to have the judge of said court sign and seal said notes in proper form as a bill of exceptions, and may at the same time give notice of his intention to ask that any additional matters proper to be so incorporated, also be incorporated therein. Upon such notice, unless said transcript shall be shown to be incorrect, and in that case after correction the judge, or his successor, shall settle, sign and seal the said transcript as a bill of exceptions, adding thereto such additional matters properly sought to be added. For the purpose of having said bill of exceptions signed and sealed, it shall not be necessary to make out a new copy of the notes of said stenographer, but the same may be referred to and identified as a part of the bill of exceptions; nor shall it be necessary to serve a copy thereof with the notice. If, for any reason, it shall be impracticable to use the transcript of the stenographer's notes taken upon any trial in the manner above provided for, for the purpose of settling bills of exception, bills of exception may be

settled, signed and sealed in the same manner as they have formerly been, when no stenographer was used. In all actions tried without a jury, the testimony taken before a court, or that taken by a referee, the transcribed notes of the stenographer in such cases properly certified by the court or referee, and all motions, orders or decisions made or entered in the progress of the trial of any action, shall become and be a part of the record for the purpose of having the cause reviewed by the Supreme Court upon appeal or writ of error, without any bill of exceptions, and it shall not be necessary to have any bill of exceptions settled, signed or sealed, in order to make any of such matters a part of the record in cases so tried. It shall not be necessary to make a motion for a new trial in any case tried by the court without a jury, nor shall it be necessary to incorporate a motion for a new trial in a bill of exceptions in any case, but the same shall become a part of the record without so doing. The court stenographer shall be compensated for taking down such testimony, in the same manner as now provided by law for such services rendered during a term of court. And the clerk of the District Court shall be allowed 10 cents per folio for making out and certifying a copy of the record and five cents per folio for certifying any part thereof copies of which may have been furnished by the stenographer, to be paid by the party suing out a writ of error or appeal.

SEC. 6. That sub-section one hundred and seventy-five (175) of Article IX, of the same section and Title mentioned in the preceding section, be amended so as to read as follows: "This Act shall not apply to or in any wise affect proceedings for habeas corpus, mandamus, prohibition, quo warranto or other extraordinary writ but they shall be governed by the special provisions or other laws in force applicable to such proceedings; and it shall not affect actions of replevin, ejectment or proceedings by attachment, except so far as the same prescribes the time of service of and return of process, and in attachment proceedings, a complaint shall take the place of a common law declaration, and the complaint and the subsequent proceedings thereunder shall be governed by the provisions in said title contained." *Repealed L. 190, p. 32*

SEC. 7. That sub-section one hundred and seventy-six (176) of said Title be amended so as to read as follows: "All executions from the District or Supreme Court shall be returned within sixty days from the date of the delivery thereof to the sheriff, or other officer or person whose duty it is or who may be designated to serve the same. All writs of replevin and writs of attachment shall be served as now provided by law, and shall be returned within the same time provided for the return of an ordinary summons in civil actions, and if the defendants or any of them can not be found, the same service may be had by publication as in other civil actions. These" *Repealed L. 190, p. 29*

provisions shall also apply to the service of process upon garnishees.

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1901, p. 160
cc. 2.* SEC. 8. That when an order or judgment discharging an attachment is rendered in the District Court, and the party who obtained such attachment shall seek to have the proceedings, on the trial of the issue on the affidavit for the attachment or the action of the Court in cases where such trial was not had, reviewed in the Supreme Court, he shall have the right to do so upon appeal or writ of error as in other cases. Upon his giving bond for a supersedeas, as in other cases, the lien of his attachment shall be preserved until the final review and determination of his right to his lien in the court of final appellate jurisdiction.

SEC. 9. It shall not hereafter be necessary that a final judgment as to the indebtedness claimed by the plaintiff in attachment shall be rendered, before the questions arising on the attachment proceedings may be reviewed on appeal or writ of error, but such appeal or writ of error may be sued out either before or after rendition of judgment on the indebtedness sued for.

SEC. 10. If the defendant or other person on his behalf at any time before judgment cause a bond to be executed to the plaintiff, by one or more sureties, possessing the same qualifications required of sureties on bonds for the issuance of attachment, to the effect that the defendant shall perform the judgment of the Court, the attachment in such action shall be discharged and restitution made of any property taken under it or the proceeds thereof. Such bond shall also discharge any garnishee from liability in said cause.

SEC. 11. If upon the trial of said cause judgment shall be rendered against the defendant on the demand sued for, such judgment shall also be rendered against the sureties on said bond given for the discharge of said attachment; and the giving of said bond shall have the effect of conferring jurisdiction upon the Court to render said judgment against the said sureties, for the amount of the damages recovered against the defendant, without further process or notice.

SEC. 12. This act shall take effect from and after the date of its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.

CHAPTER LXXVI.

AN ACT ATTACHING THE COUNTY OF LINCOLN TO THE DISTRICT ATTORNEY DISTRICT OF THE COUNTY OF SOCORRO, NEW MEXICO.
C. B. 39; Approved March 16, 1899.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That the County of Lincoln be, and is hereby

attached to the District Attorney District of the County of Socorro; and that the counties of Socorro and Lincoln shall compose one District Attorney District, from and after the passage of this Act.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the date of its passage.

CHAPTER LXXVII.

AN ACT TO AMEND SECTIONS 441 AND 443 OF THE COMPILED LAWS OF 1897, AND TO OTHERWISE MODIFY THE EXISTING STATUTES IN REFERENCE TO CORPORATIONS. *C. B. 59; Approved March 16, 1899.*

CONTENTS.

- Sec. 1.** Corporations file certificate of incorporation. Fees per classified list.
Sec. 2. Misdemeanor for probate clerk to file or record incorporation papers not certified by secretary of territory.
Sec. 3. Each corporation doing business shall annually file with secretary of territory verified balance sheet. Fee. Failure works forfeiture of charter.
Sec. 4. Secretary of territory shall furnish certified copies of balance sheet, etc.
Sec. 5. Fees collected by secretary of territory, and how applied.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That all corporations organized under the laws of this Territory, or under the laws of any foreign state, territory or country, shall, before doing business in this Territory, file in the office of the Secretary of the Territory of New Mexico a certificate of incorporation in writing, according to law in such case provided; and for the filing of such certificate of incorporation the Secretary shall collect at the time of such filing the following fees:—

(a). For corporations organized for the construction and operation of railroads, under the railroad incorporation act, a basal fee of One hundred Dollars, with One Dollar additional for each and every mile of railroad to be constructed or operated in this Territory.

(b). For corporations organized for mining, milling or smelting purposes, Twenty-five dollars where the capital stock is \$100,000. or less, and Five Dollars additional for every \$100,000. or fractional part thereof of capital stock in excess of said \$100,000.

(c). For corporations organized for the cultivation of sugar beets and the manufacture and sale of beet sugar; for corporations organized for the construction of irrigating ditches and dams, or for the colonization and improvement of lands in this Territory,

Fifteen Dollars where the capital stock is \$50,000. or less, and One Dollar additional for every \$10,000. or fractional part thereof of capitalization in excess of said \$50,000.

(d). For Building and Loan Associations, Twenty-five Dollars where the capital stock is \$25,000. or less, and One Dollar additional for every \$10,000. or fractional part thereof of capitalization in excess of said \$25,000.

(e). For all corporations organized for colleges, seminaries or other educational institutions; for churches, libraries or other benevolent, charitable, religious or scientific purposes, the sum of One Dollar.

(f). For all corporations organized for manufacturing or other industrial purposes not specifically mentioned in the preceding portion of this section, Ten Dollars where the capital stock is \$10,000. or less, and Two Dollars additional for every \$5,000. or fractional part thereof of capitalization in excess of said \$10,000.

(g). For the increase or decrease of capital stock in corporations mentioned in sub-sections (a), (b), (c), (d), and (f) of this section, Twenty-five cents for every \$1,000. or fractional part thereof of such increase or decrease, and for an amendment to articles of incorporation other than an increase or decrease of capital stock, Ten Dollars; for an increase or decrease of capital stock or any other amendment to the articles of incorporation or corporations mentioned in sub-section (e) of this section, One Dollar.

SEC. 2. That it shall be a misdemeanor for any Probate Clerk to file or record in his office any incorporation papers or copies thereof that do not contain the certificate of record of the Secretary of the Territory of New Mexico.

SEC. 3. That each and every corporation doing business in the Territory shall, on or before the first day of July of each year, file with the Secretary of the Territory its annual balance sheet for the preceding year, or such part thereof as the corporation shall have been in existence, showing its gross assets, gross liabilities, gross income, gross expenses and dividends. said balance sheet to be signed by its President and Secretary and sworn to by them before an officer competent to take acknowledgments of deeds; and each such corporation shall, at the time said annual balance sheet is filed, pay to the Secretary of the Territory a fee of One Dollar for filing and for registering same in a register book which the Secretary of the Territory shall keep for this purpose. Failure on the part of any corporation to comply with the requirements of this section for three successive years, shall act as a forfeiture of its charter, and the Secretary shall, after due notice to the corporation, enter such forfeiture in the record book of annual balance sheets.

SEC. 4. That it shall be the duty of the Secretary of the Territory to furnish a certified copy of the balance sheet of any corpora-

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tion on file in his office, to any person applying therefor, upon the payment to the Secretary of the fees authorized by law.

SEC. 5. That the fees to be collected by the Secretary of New Mexico, as provided in sections 1, 3 and 4 of this Act, shall be applied as follows: One dollar of each fee collected in accordance with the requirements of sections 3 and 4 and of subdivisions (e) and (g) of section 1 of this Act, and Five Dollars of each fee collected in accordance with the requirements of sub-divisions (a), (b), (c), (d), and (f) of section 1 of this act, shall go to the Secretary of the Territory; the remainder shall be paid over to the Treasurer of the Territory quarterly, beginning April, 1st, 1899. *Amend 2. 1901, sec.*

SEC. 6. That all laws or parts of laws in conflict with the letter or spirit of this law are hereby repealed.

SEC. 7. That this law shall take effect immediately upon its passage.

CHAPTER LXXVIII.

AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS IN THE TOWNS OR VILLAGES WHICH HAVE BEEN OR MAY HEREAFTER BE INCORPORATED UNDER SECTIONS 2476 TO 2492 INCLUSIVE, COMPILED LAWS 1897 AND FOR OTHER PURPOSES. *C. B. 102; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Towns and villages incorporated authorized to issue bonds not exceeding \$40,000. Form and execution.
- Sec. 2. Proceeds used for improvements stated. Treasurer shall give extra bond.
- Sec. 3. Provides tax levy for interest and sinking fund. No bonds issued except a vote after due notice.
- Sec. 4. May levy tax for current expenses and the care of streets and sidewalks not to exceed one per cent per annum.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That after the passage of this Act, the towns or villages incorporated or which may hereafter be incorporated under Sections 2476 to 2492 inclusive of the Compiled Laws of the Territory of New Mexico, 1897, are hereby authorized and empowered to issue the bonds of said town or village in a sum not to exceed forty thousand dollars, which bond shall be known and designated as the "..... Water System and Improvement Bonds," and shall be in the usual form of coupon bonds, payable to bearer in the denomination of one hundred dollars each, and shall bear interest at the rate of four per centum per annum, interest payable semi-annually on the 10th day of January and July, and such bonds *Amend 2. 1901, sec. 1.*

shall not be sold for less than their par or face value; principal and interest shall be payable at the Western National Bank, City of New York, State of New York, and shall be payable absolutely in thirty years from the date of their issuance, but the town or village issuing the same shall have the right to pay them at any time after twenty years from their date. Such bond shall be signed by the chairman of the board of trustees of such town or village, countersigned by the clerk of such board, and the coupons attached thereto shall have a lithograph signature of the treasurer of the town or village.

SEC. 2. Said bonds shall be sold by the town or village issuing the same and the proceeds of the sale of such bonds shall be used only for the purpose of constructing water works, a sewerage system, or for the improvement of streets, one or all of said purposes within and for the town issuing and selling said bonds and the proceeds of such sale of bonds shall be paid out only upon the order of the board of trustees of such town or village, and upon the warrant thereof, signed by the chairman of said board, countersigned by the clerk and drawn upon the treasurer thereof. The treasurer of said town or village shall, within forty-eight hours after the sale of said bonds and before the proceeds shall be controlled by him, give an additional bond in double the amount of the proceeds of said bonds, to said town or village, conditioned for the safe keeping of all funds arising from the sale of said bonds, and the proper handling and management of the proceeds thereof, which bond shall be approved by the board of trustees of said town or village.

SEC. 3. To provide for the payment of the semi-annual interest on the bonds authorized by this act, the board of trustees of the town or village shall annually levy at the time of the levying of other town or village taxes upon all the property within the limits of said town or village sufficient to pay all of said interest, and said board of trustees, beginning in the year 1912, shall levy annually upon all the property then located within the limits of said town or village, a tax which shall produce a fund sufficient to redeem all of said bonds when the same may become absolutely due, and the proceeds of such tax levy shall be kept by the proper officer, under bond, as a sinking fund for the full payment and satisfaction of all the bonds issued under and by virtue of this act; *Provided*, that no bonds shall be issued under the provisions of this act except upon the vote of the taxpayers of such town or village after due and proper notice of the time and place when said vote shall be taken and in full compliance with the Act of Congress, approved March 4, 1898, an act in reference to the issuance of municipal bonds in the Territory and removing the limitations placed upon the same by the Act of Congress, approved July 30, 1886, commonly known as the "Springer Law."

SEC. 4. After the passage of this Act, towns and villages in the Territory of New Mexico may levy by their boards of trustees for the current or running expenses and the maintenance of streets and sidewalks and the care of the same, a tax upon all of the property located within the limits of said town or village not to exceed one per cent. per annum.

SEC. 5. This act shall take effect and be in force from and after its passage, and all acts and parts of Acts in conflict herewith are hereby repealed.

CHAPTER LXXIX.

AN ACT TO AMEND SECTION 54 OF THE COMPILED LAWS OF 1897. C.
B. 109; *Approved March 16, 1899.*

CONTENTS.

Sec. 1. Unlawful to befoul running streams. Must burn refuse matter. Misdemeanor.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. [That section 54 of the Compiled Laws of 1897 be and the same is hereby amended to read as follows.]

“Section 54. It is hereby made unlawful for any person to cast the dead body of any animal or fowl, or any refuse matter, such as tin cans, paper, ashes, bones or other garbage, into any running stream, spring, lake, pond, reservoir, ditch or water course, or to run or empty any sewer or other foul substance into the same or in any other manner or means to pollute or foul the said water so as to render the same offensive or dangerous to the health of the inhabitants of any community or of any person having the right to use the same for drinking or domestic purposes or that may render said waters unfit or unhealthy for watering stock. But it shall be the duty of every person outside of incorporated towns, cities or villages, to destroy all domestic refuse and garbage by burning the same; any violation of this section, shall be considered a misdemeanor and punished as provided by law.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect from and after its passage.

CHAPTER LXXX.

AN ACT TO REPEAL, AMEND AND HARMONIZE CERTAIN SECTIONS OF THE COMPILED LAWS OF 1897, IN ACCORDANCE WITH THE RECOMMENDATION OF THE SOLICITOR GENERAL. *C. B. 87. Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Amends section 1702 C. L. 1897. Of the making and return of registration lists.
- Sec. 2. Amends section 1664 C. L. 1897. Of certifying number of votes cast in districts of two or more counties.
- Sec. 3. Repeals section 1646 C. L. 1897.
- Sec. 4. Repeals section 1524 C. L. 1897, respecting per diem of superintendent of schools.
- Sec. 5. Repeals sections 2730 to 2737 inclusive. C. L. 1897 in regard to capias.
- Sec. 6. Amends section 36 C. L. 1897.
- Sec. 7. Amends section 1082 C. L. 1897.
- Sec. 8. Amends section 2273 C. L. 1897.
- Sec. 9. Amends section 958 C. L. 1897 respecting original jurisdiction of probate court in certain cases.
- Sec. 10. Amends section 2935 C. L. 1897, respecting time to plead.
- Sec. 11. Amends section 1532 C. L. 1897, of posting notices of election by school director, failing deemed malfeasance. Penalty. School superintendents shall remove such director Of elections and contents.
- Sec. 12. Amends section 2696 C. L. 1897, of garnishees and summonses by sheriff.
- Sec. 13. Amends section 2708 C. L. 1897, of answer in garnishee proceedings.
- Sec. 14. Amends section 3420 C. L. 1897, respecting stay of execution on appeal in criminal cases.
- Sec. 15. Amends section 3413 C. L. 1897 respecting fees.
- Sec. 16. Amends section 2960 C. L. 1897, respecting suits brought against territorial officers.
- Sec. 17. Amends section 1653 C. L. 1897, respecting forwarding election returns by express or registered mail.
- Sec. 18. Amends section 1516 C. L. 1897.
- Sec. 19. Repeals section 1539 C. L. 1897.
- Sec. 20. Amends section 1540 C. L. 1897.
- Sec. 21. Amends section 1509 C. L. 1897. Husband may convey or create incumbrance upon real property without the consent of the wife, the same as though he were unmarried.
- Sec. 22. Repeals section 1664 C. L. 1897.
- Sec. 23. Ex-officio Recorder required to make indexes of all instruments affecting real estate, as well as all other documents required to be recorded. Penalty for failure or neglect.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. That section 1702 of the Compiled Laws of 1897, be and the same is hereby amended by adding thereto, after the words in the latter part of the section "no other name shall be added to such registration list," the latter part of section 1215 Compiled Laws of 1884, which was inadvertently omitted in said new compilation, as follows, viz:

“And it shall be the duty of the said boards of registration to make three correct copies of the lists of voters of their precinct, one of which copies shall be furnished to the judges of election on or before the day of the election that shall be held next after the forming of the list, and two copies shall be furnished to the Probate Clerk of the county whose duty it shall be to file one copy of such lists, and transmit one copy of the same to the Secretary of the Territory who shall file the same in his office for preservation and reference.”

SEC. 2. That section 1654, Compiled Laws of 1897 be amended so as to conform to the evident intent and true translation of the original act, so as to read as follows:

Sec. 1654. In all the Legislative Council and House of Representative Districts, composed of two or more counties, the clerks of all the counties in the district except the first one named in the apportionment, shall, under the direction of the county commissioners of the county followed within eight days after the election to the county commissioners of the county first named in the apportionment, [issue] a certificate under the hands of such clerk and the seal used by him as such of the number of votes polled for each candidate in his county as canvassed by the Canvassing Board of such county.

SEC. 3. That section 1646 of the Compiled Laws of 1897 is hereby repealed.

SEC. 4. That section 1524, Compiled Laws of 1897 is hereby repealed in so far only as it applies to the per diem payment of the superintendent of schools.

SEC. 5. That sections 2730 to 2737, inclusive, of the Compiled Laws of 1897, in regard to *capias* are hereby repealed.

SEC. 6. Amend sec. 36 of the Compiled Laws [1897] by striking out in the fourth line thereof the word “sum” and insert in lieu thereof the word “fine;” also strike out in lines 5 and 6 thereof, the words, “which shall be recovered in the manner prescribed in the foregoing section” and insert in lieu thereof “which shall be imposed by the justice of the peace of the precinct where such offence shall be committed, and shall be paid.”

SEC. 7. Amend sec. 1082 of the Compiled Laws [1897] by striking out from lines 1 and 2 thereof the following words “if it is not done by a husband in accordance with sec. 1085.”

SEC. 8. That section 2773, of the Compiled Laws of 1897, be amended by repealing the exception contained in said section in the last two lines thereof.

SEC. 9. That section 928, Compiled Laws of 1897 be amended by having prefixed thereto the following words which were omitted from the original in the compilation, viz.

"Sec. 928. The Probate Court shall have exclusive original jurisdiction in all of the following causes to wit:."

SEC. 10. That section 2935 of the Compiled Laws of 1897, be amended by changing the word "ten" wherever it occurs in said section, as a time for pleading, so as to read "twenty days."

SEC. 11. That section 1532 of the Compiled Laws of 1897 be amended by adding thereto the following:

"Any school director who shall fail to call the election and post the notices therefor or to correctly certify the result of such election as required in this section shall be deemed guilty of malfeasance in office and shall be summarily removed by the superintendent of schools, and shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail, not less than twenty-five nor more than one hundred days, the said fines to go to and become a part of the school fund of the district in which such person was a director. And it is hereby made the duty of the county school superintendent so removing a director to make affidavit of the facts to the district judge or before any justice of the peace and to act as prosecuting witness against said director. The said school directors shall truly canvass the vote cast at the election and send the ballots to the county school superintendent, together with their certificate of election where said ballots shall remain in his custody for the period of thirty days, during which time notice of contests may be given by any person interested. If no such notice shall be given within such period, the county school superintendent shall destroy such ballots. But if such notice of contest be given it shall be his duty to turn the same over in exactly the same condition as they were received by him to the probate clerk of his county where they may be examined under the same terms and conditions as ballots in other cases of contested elections for county officers, and the same provisions shall apply to a contest for the position of school director as is provided by law for contesting other county officers."

L. 1907
294. SEC. 12. That section 2698, Compiled Laws of 1897 in the second subdivision thereof, be amended, so as to read as follows:

"Garnishees shall be summoned by the sheriff, declaring to them that he summons them to appear at the return day of the writ which shall be within twenty days after service where the garnishee is a resident of the district in which he is served, and thirty days thereafter where he is a resident of another district; to answer the interrogatories propounded by the plaintiff, and which together with the writ shall be served at the same time."

SEC. 13. That section 2708 of the Compiled Laws of 1897, be and the same is hereby amended so as to read as follows:

"The garnishee shall file his answer to the written interrogatories served upon him, on or before the return day named in the writ,

touching the property and credits attached in his hands as garnishee. Said answer shall be on oath, and unless the court, for good cause shown such answer cannot be received after the return day. In default of such answer or of a sufficient answer the plaintiff may take judgment by default against said garnishee, or the court may upon motion compel him to answer by proceedings for contempt, and in all cases the court shall allow and tax as costs in the case the sum of ten dollars, to be paid to said garnishee for making his answer. Whenever the court shall adjudge the answer of any garnishee to be insufficient, leave shall be given to the garnishee to amend if he so requests, within such time as the court may order and in the manner the court may direct.

SEC. 14. That section 3420 Compiled Laws of 1897, be amended by striking out the words in the fourth line after "death"—"or imprisonment for one or more years," and inserting therein the words [""] or "for imprisonment for life."

SEC. 15. That section 3413, of Compiled Laws 1897, be amended by adding thereto the following words: "Upon being paid his legal fees therefor, as provided for civil cases."

SEC. 16. That section 2950, Compiled Laws of 1897, be amended by adding thereto, "seventh; suits against any territorial officers as such shall be brought in the court of the county wherein their offices are located, at the capital, and not elsewhere."

SEC. 17. Amend Sec. 1653 of the Compiled Laws [1897] so as to read as follows:

[Sec. 1653.] The county commissioners of the respective counties within ten days after the time limited for canvassing the votes returned to them by the judges of election or by the certificate of the probate clerks under the direction of the boards of county commissioners of other counties, shall forward to the Secretary of the Territory by any regular express company doing business as such or by registered letter mailed through the United States mail, a true abstract by precincts of the votes polled in their respective counties or certified and polled in their counties for members of the legislature for delegate in Congress and for all other officers voted for at such election in their county, signed and certified by the chairman of such Board and attested by the clerk thereof under the seal of such board, and shall also forward along with the same a copy of the poll book and registration list of each precinct; for which said board shall be repaid the customary and usual express charges if sent by express or the regular United States postage if sent by mail including the registered-letter stamp, and in no event shall they send a special messenger nor shall any pay for the same be allowed.

21907 SEC. 18. Section 1516 of the Compiled Laws of 1897 is hereby
240 amended by striking out the word "quarterly" at the end of the 7th

line of the section and inserting in lieu thereof the word "monthly."

SEC. 19. Section 1539 of the Compiled Laws of 1897 is hereby repealed.

SEC. 20. Section 1540 of the Compiled Laws of 1897 is hereby amended by striking therefrom the first part thereof which reads as follows: That the Territorial Auditor shall keep a separate account of the school fund with each collector of taxes and the Territorial Treasurer shall keep such funds separate from all others.

SEC. 21. Section 1509 of the Compiled Laws of 1897 is hereby amended by adding at the conclusion thereof the following words:

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ly.
The signature or consent of the wife shall not be necessary or requisite in any conveyance, incumbrance or alienation of real property owned by the husband, whether such property became his before or during coverture; but the right to make such conveyance or create such incumbrance shall exist in the husband to the same extent as though he were unmarried.

SEC. 22. Section 1664 of the Compiled Laws of 1897 is hereby repealed.

SEC. 23. Each of the probate clerks as ex-officio recorder is hereby required and it is hereby made his duty, to make indexes and cross-indexes of all conveyances, mortgages, and other documents affecting real estate, as well as of all other documents and instruments required to be recorded by him, at the time of making such record, or of filing the paper for record; and the said ex-officio recorders are hereby required and it is made their duty to make such indexes and cross-indexes of all such conveyances, mortgages, documents, and other instruments heretofore recorded in their offices respectively, so that the index thereof will be complete, and hereafter all such indexes shall be made and kept up as the documents, instruments, or conveyances are filed for record and recorded; for which service the said probate clerks shall receive no compensation beyond what they already receive as salaries; and in case any such probate clerk and ex-officio recorder shall neglect or fail to make such index as herein provided, he shall be removed from office by the Board of County Commissioners upon complaint of any person, if it be established that the said probate clerk and ex-officio recorder has so failed and neglected; and from and after this date no probate clerk shall receive or draw any salary as such or as ex-officio recorder until such index as herein required to be made shall be made and completed.

SEC. 23 [24.] This Act shall take effect and be in force from and after its passage, and all laws and parts of laws in conflict therewith are hereby repealed.

CHAPTER LXXXI.

AN ACT PROVIDING FUNDS AND MAKING APPROPRIATIONS FOR THE FIFTIETH, FIFTY-FIRST AND FIFTY-SECOND YEARS, AND FOR OTHER PURPOSES. *A. C. B. 124; Approved March 16, 1899.*

CONTENTS.

- Sec. 1. Designates territorial institutions, and the annual tax levy, and distribution to each. Provided etc.
- Sec. 2. Tax levy for sundry hospitals 50th fiscal year and thereafter.
- Sec. 3. Tax levy for territorial purposes 51st and 52d fiscal years and for each year thereafter.
- Sec. 4. Surplus of any given fund of one year transferred to the same fund of the year following.
- Sec. 5. Fiscal year shall annually begin on the first Monday of December.
- Sec. 6. Fiftieth fiscal year, appropriations for interest salaries. Penitentiary. Electric light plant.
- Sec. 7. Fiftieth fiscal year salaries territorial officers, fees clerks of courts, and appropriations for other purposes.
- Sec. 8. Fiftieth fiscal year, appropriations for hospitals.
- Sec. 9. Fifty-first fiscal year, appropriations for interest, salaries, penitentiary and for other purposes.
- Sec. 10. Fifty-second fiscal year, appropriations for interest, salaries, penitentiary and other purposes.
- Sec. 11. Of assessors and assessment rolls.
- Sec. 12. Taxes paid in full January 1st, five per cent. rebate on last half.
- Sec. 13. County commissioners levy "Court House Repair Tax."

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

SECTION 1. The New Mexico College of Agriculture and Mechanic Arts, the University of New Mexico, the New Mexico School of Mines, the New Mexico Normal School at Silver City, the New Mexico Normal University at Las Vegas, the New Mexico Military Institute at Roswell, the New Mexico Insane Asylum at Las Vegas, the New Mexico Deaf and Dumb Asylum at Santa Fe, all territorial institutions, for the support and maintenance of which an annual tax levy to be made each and every year hereafter, commencing with the fiftieth fiscal year, to the amount of three and ten hundredths of one mill on the dollar in addition to that provided for other purposes, shall be made and collected, and the product of such levy shall be distributed as follows, viz:

The New Mexico College of Agriculture and Mechanic Arts, twenty one-hundredths of one mill.

To the University of New Mexico, fifty one-hundredths of one mill; also to said university, five one-hundredths of one mill additional, to be placed by the regents of said university to the credit of the Hadley fund, for the purpose of erecting a building to be known as the "W. C. Hadley Science Hall;" *Provided*, that Mrs.

Walter C. Hadley, donates \$10,000.00 and the Board of Regents of the Territorial University secure an additional sum sufficient to make the total \$20,000.00.

To the New Mexico School of Mines, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Normal School at Silver City, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Normal University at Las Vegas, thirty-five one-hundredths of one mill.

To the New Mexico Military Institute at Roswell, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Insane Asylum one mill.

To the New Mexico Deaf and Dumb Asylum, ($12\frac{1}{2}$) twelve and one-half one-hundredths of one mill.

Provided, That no secretary or treasurer of any such institutions, except those supported in whole or in part by United States appropriations shall receive any compensation, as such secretary and treasurer or either.

SEC. 2. The St. Vincent Hospital at Santa Fe, the Grant County Hospital at Silver City, the Sisters of Mercy Hospital at Silver City, the Ladies Hospital at Deming, the Eddy County Hospital at Eddy, the Orphans School at Santa Fe, the Relief Society at Las Vegas, the Children's Home at Albuquerque, all charitable institutions, for the support and maintenance of which, an annual tax levy shall be levied each and every year hereafter commencing with the fiftieth fiscal year to the amount of fifty-five (55) one-hundredths of one mill on the dollar, in addition to that provided for other purposes, shall be made and collected, and the product of such levy shall be distributed as follows:

To the St. Vincent Hospital, Santa Fe, 12-100 of one mill.

To the Grant County Hospital, Silver City, 6-100 of one mill.

To the Sisters of Mercy Hospital, Silver City, 6-100 of one mill.

To the Ladies Hospital, Deming, 3-100 of one mill.

To the Eddy County Hospital, Eddy, 3-100 of one mill.

To the Orphans School, Santa Fe, 15-100 of one mill.

To the Relief Society of Las Vegas, 5-100 of one mill.

To the Childrens Home, Albuquerque, 5-100 of one mill.

SEC. 3. For the territorial purposes of the fifty-first fiscal year, there shall be levied during the fiftieth fiscal year upon each dollar of taxable property, the following tax: six mills on the dollar.

For the territorial purposes of the fifty-second fiscal year, there shall be levied during the fifty-first fiscal year upon each dollar of taxable property in the territory, the following tax, six mills on the dollar.

And for and during each fiscal year thereafter, there shall be levied upon each dollar of taxable property in the territory, the

following tax, six mills on the dollar : *Provided*, That the Territorial Treasurer shall distribute the cash product of the tax levy of each fiscal year in proportion that each appropriation bears to the total appropriation.

SEC. 4. At the end of each fiscal year and after any appropriation or expenditures which may be required to be paid out of any particular fund shall have been paid, all the surplus which shall remain in any or either one of the particular funds, the Treasurer shall transfer all surplus funds to the credit of the same fund for the following fiscal years.

SEC. 5. The fiftieth fiscal year shall end on the last Saturday preceding the first Monday of December, 1899 ; and each fiscal year thereafter shall begin on the first Monday of December and end on the last Saturday preceding the first Monday of December.

SEC. 6. For the fiftieth fiscal year, the following appropriations or so much thereof as may be necessary, are hereby made and directed to be paid for the purposes hereinafter expressed, to wit :
For the payment of interest on bonded indebtedness . . . \$50,000.00
For the penitentiary current expense fund, to be paid as follows :

PAY OF OFFICERS AND EMPLOYES.

One superintendent	1,500.00
One assistant superintendent, who shall act as store-keeper and clerk	900.00
One physician	225.00
One chaplain	75.00
One yard master	450.00
One cell house keeper, day	360.00
One cell house keeper, night	360.00
One captain, day guards	360.00
One captain night guards	360.00
Ten day and night guards	2,250.00
One matron	225.00

MAINTENANCE.

For rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, hospital medicines, beds and bedding, furniture and utensils, blacksmithing, repairs to buildings, stationery, books for convicts, etc. 24,000.00

For tools, wheel-barrows, wagons, horses, machinery and all other necessary material and employes, such amount as may be necessary in the judgment of the superintendent of the penitentiary, and the penitentiary board, to be paid for entirely, out of the proceeds of the material or articles manufactured by the convicts, or the proceeds of convict labor :

Provided, That the penitentiary is hereby required to furnish elec-

Walter C. Hadley, donates \$10,000.00 and the Board of Regents of the Territorial University secure an additional sum sufficient to make the total \$20,000.00.

To the New Mexico School of Mines, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Normal School at Silver City, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Normal University at Las Vegas, thirty-five one-hundredths of one mill.

To the New Mexico Military Institute at Roswell, ($27\frac{1}{2}$) twenty-seven and one-half one-hundredths of one mill.

To the New Mexico Insane Asylum one mill.

To the New Mexico Deaf and Dumb Asylum, ($12\frac{1}{2}$) twelve and one-half one-hundredths of one mill.

Provided, That no secretary or treasurer of any such institutions, except those supported in whole or in part by United States appropriations shall receive any compensation, as such secretary and treasurer or either.

SEC. 2. The St. Vincent Hospital at Santa Fe, the Grant County Hospital at Silver City, the Sisters of Mercy Hospital at Silver City, the Ladies Hospital at Deming, the Eddy County Hospital at Eddy, the Orphans School at Santa Fe, the Relief Society at Las Vegas, the Children's Home at Albuquerque, all charitable institutions, for the support and maintenance of which, an annual tax levy shall be levied each and every year hereafter commencing with the fiftieth fiscal year to the amount of fifty-five (55) one-hundredths of one mill on the dollar, in addition to that provided for other purposes, shall be made and collected, and the product of such levy shall be distributed as follows:

To the St. Vincent Hospital, Santa Fe, 12-100 of one mill.

To the Grant County Hospital, Silver City, 6-100 of one mill.

To the Sisters of Mercy Hospital, Silver City, 6-100 of one mill.

To the Ladies Hospital, Deming, 3-100 of one mill.

To the Eddy County Hospital, Eddy, 3-100 of one mill.

To the Orphans School, Santa Fe, 15-100 of one mill.

To the Relief Society of Las Vegas, 5-100 of one mill.

To the Childrens Home, Albuquerque, 5-100 of one mill.

SEC. 3. For the territorial purposes of the fifty-first fiscal year, there shall be levied during the fiftieth fiscal year upon each dollar of taxable property, the following tax: six mills on the dollar.

For the territorial purposes of the fifty-second fiscal year, there shall be levied during the fifty-first fiscal year upon each dollar of taxable property in the territory, the following tax, six mills on the dollar.

And for and during each fiscal year thereafter, there shall be levied upon each dollar of taxable property in the territory, the

following tax, six mills on the dollar: *Provided*, That the Territorial Treasurer shall distribute the cash product of the tax levy of each fiscal year in proportion that each appropriation bears to the total appropriation.

SEC. 4. At the end of each fiscal year and after any appropriation or expenditures which may be required to be paid out of any particular fund shall have been paid, all the surplus which shall remain in any or either one of the particular funds, the Treasurer shall transfer all surplus funds to the credit of the same fund for the following fiscal years.

SEC. 5. The fiftieth fiscal year shall end on the last Saturday preceding the first Monday of December, 1899; and each fiscal year thereafter shall begin on the first Monday of December and end on the last Saturday preceding the first Monday of December.

SEC. 6. For the fiftieth fiscal year, the following appropriations or so much thereof as may be necessary, are hereby made and directed to be paid for the purposes hereinafter expressed, to wit: For the payment of interest on bonded indebtedness. . . . \$50,000.00
For the penitentiary current expense fund, to be paid as follows:

PAY OF OFFICERS AND EMPLOYES.

One superintendent	1,500.00
One assistant superintendent, who shall act as store-keeper and clerk.	900.00
One physician	225.00
One chaplain	75.00
One yard master	450.00
One cell house keeper, day.	360.00
One cell house keeper, night.	360.00
One captain, day guards.	360.00
One captain night guards.	360.00
Ten day and night guards.	2,250.00
One matron.	225.00

MAINTENANCE.

For rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, hospital medicines, beds and bedding, furniture and utensils, blacksmithing, repairs to buildings, stationery, books for convicts, etc. 24,000.00

For tools, wheel-barrows, wagons, horses, machinery and all other necessary material and employes, such amount as may be necessary in the judgment of the superintendent of the penitentiary, and the penitentiary board, to be paid for entirely, out of the proceeds of the material or articles manufactured by the convicts, or the proceeds of convict labor:

Provided, That the penitentiary is hereby required to furnish elec-

tric lights free of charge to the Capitol Building and the Deaf and Dumb Asylum. And shall also be authorized to sell electric light in the City of Santa Fe upon such terms as in the judgment of the superintendent of the penitentiary and the Board of Penitentiary Commissioners may deem proper.

SALARY FUND.

SEC. 7. Pay of territorial officers for the fiftieth fiscal year:

For the superintendent of public instruction, salary and for traveling expenses	\$1,875.00
Salary of district attorneys.....	2,925.00
Salary of solicitor general.....	1,500.00
Salary of territorial auditor and clerk.....	2,250.00
Salary of territorial treasurer and clerk.....	1,875.00
Salary of territorial librarian.....	540.00
Salary of secretary of bureau of immigration.....	675.00
Salary and traveling expenses, penitentiary board.....	1,000.00
Salary, adjutant general.....	450.00
Salary, judges, district court and traveling expenses....	3,000.00

Provided, That each judge of the district court shall be entitled to receive of the sum above appropriated at the rate of eight hundred dollars per calendar year for salary and traveling expenses; and each of said judges shall be entitled to receive, annually, hereafter, out of the appropriations hereafter made, at the same rate.

Salary of clerks and deputies of district courts.....\$12,000.00

Provided, That each clerk of the district court, shall be entitled to receive out of the sum above appropriated, at the rate of thirty-two hundred dollars per calendar year, as full compensation for himself and deputy or deputies; and he shall be entitled to receive, annually, hereafter, out of the sums hereafter appropriated, at the same rate, said sums of money allowed the district clerks and district judges, shall be payable quarterly.

Provided, further, That such clerks shall demand and collect, in advance, all fees payable as clerk fees in any court, and shall promptly turn the same over quarterly, to the treasurer of the territory.

Provided, further, That such district clerks shall hereafter require and collect an advance fee of five (\$5) dollars before docketing any case, and whenever said advance fee shall have been consumed, he shall require an additional advance fee of five (\$5) dollars. Said clerk shall be accountable to the party making such advance fee for any unconsumed fees, but shall turn over all fees for which services have been rendered, to the territorial treasurer as above provided.

Provided, further, That the clerk shall only charge against such advance fee the costs created by the party advancing such fee.

Provided, further, That said clerks shall be entitled to retain all fees collected for transcripts, seals, certificates and acknowledgments

SALARY OF TERRITORIAL BOARD OF EQUALIZATION.

Board and Mileage	\$750.00
Salary, private secretary to the Governor.....	450.00
Salary, clerk of supreme court.....	675.00

Provided, That the salary so allowed the clerk of the supreme court, shall be in lieu of all per diem and fees that said clerk would be entitled to charge against the territory, and hereafter the clerk of the supreme court, shall not be entitled to make any charge whatsoever, against the territory for any services rendered, but, he shall be entitled to receive out of the above appropriation, as salary, and as compensation in full, for all services performed, for the territory, as clerk of the supreme court, and out of all appropriations hereafter made, at the rate of nine hundred dollars per annum.

SUPREME COURT FUND.

For printing briefs and expenses for cases brought and defended by the territory, also the actual expenses incurred by the solicitor general, when legally required to attend and defend cases brought by the territory in any of the courts outside of his district.....	\$375.00
For printing dockets and calendars.....	100.00

MISCELLANEOUS FUND.

For postage, express, printing blanks and publication of quarterly reports, office rent and incidental expenses, auditor's office.....	750.00
For same, and commissions and exchange, treasurer's office.....	900.00
For territorial library for the purchase of books.....	1,000.00
For territorial library freight, express, rent and insurance, postage, etc.....	500.00
For territorial library for printing volume 9, New Mexico Reports	900.00
For contingent expenses, Governor's office.....	500.00
For expenses New Mexico Historical Society.....	375.00
To J. J. Leeson for services as commissioner to the national and Omaha Exposition, fourteen months, during 1897 and 1898.....	700.00
For printing weather bureau bulletins.....	525.00
For printing reports, postage, freight and incidental expenses bureau of immigration.....	2,000.00
For maintenance of the sub-agricultural station at Aztec	750.00

tric lights free of charge to the Capitol Building and the Deaf and Dumb Asylum. And shall also be authorized to sell electric light in the City of Santa Fe upon such terms as in the judgment of the superintendent of the penitentiary and the Board of Penitentiary Commissioners may deem proper.

SALARY FUND.

SEC. 7. Pay of territorial officers for the fiftieth fiscal year:

For the superintendent of public instruction, salary and for traveling expenses	\$1,875.00
Salary of district attorneys.....	2,925.00
Salary of solicitor general.....	1,500.00
Salary of territorial auditor and clerk.....	2,250.00
Salary of territorial treasurer and clerk.....	1,875.00
Salary of territorial librarian.....	540.00
Salary of secretary of bureau of immigration.....	675.00
Salary and traveling expenses, penitentiary board.....	1,000.00
Salary, adjutant general.....	450.00
Salary, judges, district court and traveling expenses....	3,000.00

Provided, That each judge of the district court shall be entitled to receive of the sum above appropriated at the rate of eight hundred dollars per calendar year for salary and traveling expenses; and each of said judges shall be entitled to receive, annually, hereafter, out of the appropriations hereafter made, at the same rate.

Salary of clerks and deputies of district courts.....\$12,000.00

Provided, That each clerk of the district court, shall be entitled to receive out of the sum above appropriated, at the rate of thirty-two hundred dollars per calendar year, as full compensation for himself and deputy or deputies; and he shall be entitled to receive, annually, hereafter, out of the sums hereafter appropriated, at the same rate, said sums of money allowed the district clerks and district judges, shall be payable quarterly.

Provided, further, That such clerks shall demand and collect, in advance, all fees payable as clerk fees in any court, and shall promptly turn the same over quarterly, to the treasurer of the territory.

Provided, further, That such district clerks shall hereafter require and collect an advance fee of five (\$5) dollars before docketing any case, and whenever said advance fee shall have been consumed, he shall require an additional advance fee of five (\$5) dollars. Said clerk shall be accountable to the party making such advance fee for any unconsumed fees, but shall turn over all fees for which services have been rendered, to the territorial treasurer as above provided.

Provided, further, That the clerk shall only charge against such advance fee the costs created by the party advancing such fee.

Provided, further, That said clerks shall be entitled to retain all fees collected for transcripts, seals, certificates and acknowledgments

SALARY OF TERRITORIAL BOARD OF EQUALIZATION.

Board and Mileage	\$750.00
Salary, private secretary to the Governor.....	450.00
Salary, clerk of supreme court.....	675.00

Provided, That the salary so allowed the clerk of the supreme court, shall be in lieu of all per diem and fees that said clerk would be entitled to charge against the territory, and hereafter the clerk of the supreme court, shall not be entitled to make any charge whatsoever, against the territory for any services rendered, but, he shall be entitled to receive out of the above appropriation, as salary, and as compensation in full, for all services performed, for the territory, as clerk of the supreme court, and out of all appropriations hereafter made, at the rate of nine hundred dollars per annum.

SUPREME COURT FUND.

For printing briefs and expenses for cases brought and defended by the territory, also the actual expenses incurred by the solicitor general, when legally required to attend and defend cases brought by the territory in any of the courts outside of his district.....	\$375.00
For printing dockets and calendars.....	100.00

MISCELLANEOUS FUND.

For postage, express, printing blanks and publication of quarterly reports, office rent and incidental expenses, auditor's office.....	750.00
For same, and commissions and exchange, treasurer's office.....	900.00
For territorial library for the purchase of books.....	1,000.00
For territorial library freight, express, rent and insurance, postage, etc.....	500.00
For territorial library for printing volume 9, New Mexico Reports	900.00
For contingent expenses, Governor's office.....	500.00
For expenses New Mexico Historical Society.....	375.00
To J. J. Leeson for services as commissioner to the national and Omaha Exposition, fourteen months, during 1897 and 1898.....	700.00
For printing weather bureau bulletins.....	525.00
For printing reports, postage, freight and incidental expenses bureau of immigration.....	2,000.00
For maintenance of the sub-agricultural station at Aztec	750.00

For maintenance of the sub-agricultural station at Las Vegas.....	\$750.00
For maintenance of the sub-agricultural station at Roswell.....	750.00
For rents and expenses, office of Solicitor General.....	375.00
For purchase of 200 volumes of Money's Digest of New Mexico Supreme Court Reports, to be turned into the Territorial Library and by the Librarian distributed in the manner of distribution of supreme court reports....	600.00
For rent, office, superintendent public instruction.....	200.00
For printing reports, postage, etc., blanks, superintendent public instruction.....	200.00
For printing tax books, schedules, etc.....	1,000.00
For printing laws and journals in Spanish, 33rd Legislative Assembly.....	1,500.00
For translating laws and journals (to be done under the control and direction of public printer and to be paid for upon the certificate and approval of the public printer that the said translation had been made under his supervision and control.....)	900.00
For per diem and expenses of the sheriffs in conveying prisoners to the penitentiary.....	2,500.00

MILITIA FUND.

For support of National Guard, including transportation of arms and clothing, fuel, stationery, etc.....	300.00
For rent of armories in Santa Fe, Las Vegas, Albuquerque and Las Cruces.....	700.00
To pay A. C. Ireland drug bill.....	20.10

SEC. 8. For the fiftieth fiscal year the following appropriations are hereby made and directed, to be paid for the purposes herein expressed, to-wit:

St. Vincent Hospital, at Santa Fe.....	\$2,800.00
Grant County Hospital at Silver City.....	1,300.00
Sisters of Mercy Hospital, Silver City.....	1,300.00
The Ladies' Hospital, at Deming.....	700.00
The Eddy County Hospital at Eddy.....	700.00
The Orphan School at Santa Fe.....	4,000.00
The Relief Society at Las Vegas.....	1,300.00
The Children's Home, Albuquerque.....	1,000.00

SEC. 9. For the fifty-first fiscal year the following appropriations or so much thereof as may be necessary, after the amount herein appropriated for interest has been fully paid into the Interest fund, are hereby directed, to be paid for the purposes herein expressed, to wit:

For the payment of interest on bonded indebtedness....\$66,000.00

For the penitentiary current expense fund, to be paid as follows:

One superintendent.....	\$2,000.00
One assistant superintendent, store-keeper and clerk....	1,200.00
One matron.....	300.00
One physician.....	600.00
One yard master.....	600.00
One cell house keeper, day.....	480.00
One cell house keeper, night.....	480.00
One chaplain.....	100.00
One captain of the day guard.....	480.00
One captain of the night guards.....	480.00
Ten day and night guards.....	3,000.00

MAINTENANCE.

For maintenance, repairs, rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, hospital medicines, beds and bedding, furniture and utensils, arms and ammunition, keeping of horses, blacksmithing, repairs to building, stationery, books for convicts, etc..... 30,000.00

For tools, wheelbarrows, wagons, teams, machinery, and employes necessary, such amount as may be necessary in the judgment of the superintendent of the penitentiary and the penitentiary board; to be paid for entirely out of the proceeds of the material, or articles manufactured by the convicts, or the proceeds of the earnings of convict labor.

FOR THE SALARY FUND.

To be paid as follows:

Pay of territorial officers for the 51st fiscal year:

For superintendent public instruction, salary and for traveling expenses.....	\$2,500.00
Salary of district attorneys.....	3,900.00
Salary of Solicitor General.....	2,000.00
Salary, territorial auditor and clerk.....	3,000.00
Salary, territorial treasurer and clerk.....	2,500.00
Salary, territorial librarian.....	720.00
Salary secretary of bureau of immigration.....	900.00
Salary and traveling expenses, penitentiary board.....	1,200.00
Salary, adjutant general.....	600.00
Salary and expense, judges, district court.....	4,000.00
Salary, clerks and deputies, district courts.....	16,000.00
Salary, territorial equalization board, board and mileage	1,000.00
Salary, clerk, supreme court.....	900.00
Salary, private secretary to the Governor.....	600.00

SUPREME COURT FUND.

For printing briefs and expenses in cases brought and defended by the territory, also actual expenses incurred by the Solicitor General, when legally required to attend and defend cases brought by the Territory in any of the courts situate outside of his district...	\$500.00
For printing dockets and calendars.....	100.00

MISCELLANEOUS FUND.

For postage, express, printing blanks and publication of quarterly reports and incidental expenses, auditor's office.....	500.00
For same and commissions and exchange, treasurer's office	700.00
For territorial library for the printing of volume 10, New Mexico Reports.....	900.00
For the territorial library for the purchase of books....	1,200.00
For the territorial library for freight, express, postage, insurance and incidental expenses.....	300.00
For contingent expense, Governor's office.....	500.00
For expenses, New Mexico Historical Society.....	500.00
For water of Capitol grounds.....	300.00
For printing reports, postage, freight and incidental expenses, bureau of immigration.....	2,000.00
For printing weather bureau bulletins.....	700.00
For maintenance of the sub-agricultural station at Aztec	1,000.00
For maintenance of the sub-agricultural station at Las Vegas.....	1,000.00
For maintenance of the sub-agricultural station at Roswell.....	1,000.00
For contingent expenses, Solicitor General's office....	200.00
For printing reports, postage, etc., superintendent public instruction.....	200.00
For printing tax books, schedules, etc.....	1,000.00
For per diem and expenses of sheriffs in conveying prisoners to penitentiary.....	3,000.00
Printing poll books, registration books, and other blanks necessary for the election in 1900, and forwarding and conveying election returns to the seat of government, freight and express.....	1,200.00

Provided, That hereafter it shall be the duty of the different boards of election canvassers, to cause the said election returns to be sent to the seat of government to be forwarded by some reliable express company, and upon delivery of said returns to such express company, they shall take a receipt therefor, and immediately for-

ward said receipt by registered mail to the Secretary of the Territory.

Provided, further, That whenever the county seat of any county from where returns are to be forwarded, and in which county there is no reliable express company, then, and in no other case the said boards of election canvassers shall designate one of their number, or a special messenger to convey said returns to the nearest reliable express office, to be forwarded as above provided, and a receipt taken therefor: said carrier shall be allowed for his services the sum of twelve and a half cents per mile, for conveying the said returns, or each mile actually and necessarily traveled from the county seat to such express office.

Provided, further, That section 1657 of the Compiled Laws of 1897 is hereby repealed.

For the insurance of the Capitol building..... \$1,500.00

MILITIA FUND.

For support of National Guard including transportation
of arms and clothing, fuel, stationery, etc..... 400.00
For rent of armories in Santa Fe, Las Vegas, Albuquerque and Las Cruces..... 1,000.00

SEC. 10. For the fifty-second fiscal year the following appropriations or so much thereof as may be necessary, are hereby directed to be paid for the purposes herein expressed, to-wit:

Interest fund, for the payment of interest on bonded indebtedness.....\$66,000.00

FOR PENITENTIARY CURRENT EXPENSE FUND.

To be paid as follows:

One superintendent.....	\$2,000.00
One assistant superintendent, storekeeper and clerk....	1,200.00
One matron.....	600.00
One physician.....	600.00
One yard master.....	600.00
One cell house keeper, day.....	480.00
One cell house keeper, night.....	480.00
One captain day guards.....	480.00
One captain, night guards.....	480.00
Ten day and night guards.....	3,000.00
One chaplain.....	100.00
For maintenance, repairs, rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, hospital medicines, beds and bedding, furniture and utensils, arms and ammunition, keeping up horses, blacksmithing, repairs to buildings, stationery, books for convicts, etc.....	30,000.00

For tools, wheelbarrows, wagons, teams, machinery and all other necessary machinery, and employes, such amount as may be necessary in the judgment of the superintendent of the penitentiary and the penitentiary board, to be paid for entirely out of the proceeds of the material or articles manufactured by the convicts or the proceeds of the earnings of convict labor.

SALARY FUND.

To be paid as follows:

For superintendent of public instruction, salary and for traveling expenses.....	\$2,500.00
Salary of District Attorneys.....	3,900.00
Salary of Solicitor General.....	2,000.00
Salary Territorial Auditor and clerk.....	3,000.00
Salary Territorial Treasurer and clerk.....	2,500.00
Salary Territorial Librarian.....	720.00
Salary of secretary of bureau of immigration.....	900.00
Salary and traveling expenses, penitentiary board.....	1,200.00
Salary, adjutant General.....	600.00
Salary and expenses judges district court.....	4,000.00
Salaries, clerks and deputies district courts.....	16,000.00
Salary territorial Equalization Board, board and mileage	1,000.00
Salary clerk Supreme Court.....	900.00
Salary private secretary to the Governor.....	600.00

SUPREME COURT FUND.

For printing briefs and expenses in suits brought and defended by the territory, also the actual expenses incurred by the Solicitor General when legally required to attend and defend cases brought by the territory, in any of the courts situate outside of his district....	\$500.00
For printing dockets and calendars.....	100.00

MISCELLANEOUS FUND.

For postage, express, printing blanks and publications of quarterly report and incidental expenses, auditor's office.....	\$500.00
Forsame and commission and exchange, treasurer's office	700.00
For territorial library for the printing of volume 11, New Mexico Reports.....	900.00
For territorial library for the purchase of books.....	1,000.00
For the territorial library for freight, express, postage, insurance and incidental expenses.....	300.00
For contingent expenses, Governor's office.....	500.00
For expenses New Mexico Historical Society.....	500.00
For water, Capitol grounds.....	300.00

For printing reports, postage, freight and incidental expenses, bureau of immigration	\$2,000.00
For printing weather bureau bulletin	700.00
For maintenance of the sub-agricultural station at Aztec	1,000.00
For maintenance of the sub-agricultural station at Las Vegas	1,000.00
For maintenance of the sub-agricultural station at Roswell	1,000.00
For contingent expenses, Solicitor General's office	200.00
For printing reports, postage, etc., superintendent public instruction	300.00
For printing tax books, schedules, etc	1,000.00
For per diem and expenses of sheriffs in conveying prisoners to penitentiary	3,000.00
For insurance Capitol building	1,500.00

MILITIA FUND.

For support of National Guard including transportation of arms and clothing, fuel, stationery, etc	400.00
For rent of armories in Santa Fe, Las Vegas, Albuquerque, and Las Cruces	1,000.00

Provided, That a like appropriation is hereby made for the fifty-third fiscal year, and each and every year thereafter, unless otherwise provided by the succeeding legislature.

SEC. 11. Hereafter it shall be the duty of the different assessors of this Territory, to make up annually, all the assessment rolls of their respective counties and they shall not be entitled to make any additional charges for such services.

SEC. 12. Hereafter every tax payer who shall pay the taxes assessed against him before the first day of January of each year for the current year, meaning thereby the calendar year during which the taxes are assessed, shall be entitled to a rebate of 5 per centum upon the last half of such taxes so paid.

SEC. 13. The several boards of county commissioners are hereby authorized to cause to be levied and collected a special tax during the fiftieth fiscal year not exceeding one mill on the dollar for the purpose of making needed repairs on the County Court Houses and County Jails the product of such levy when collected [to] be kept separate and apart by the County Treasurer in a fund to be known and called "The Court House Repair Fund" which shall not be used for any purpose other than above provided.

SEC. 14. This Act shall be in full force and effect from and after its passage.

JOINT RESOLUTIONS.

JOINT RESOLUTION I.

OF SEATS FOR GALLERIES. *C. J. R. 1; Approved January 25, 1899.*

Be and it is hereby resolved by the Council of the Legislative Assembly of the Territory of New Mexico, the House of Representatives concurring therein, that the Secretary of the Territory of New Mexico be and he is hereby requested to supply the gallery of each of said Houses with sufficient seats for the accommodation [accomodation] of spectators and the audience in each Hall.

JOINT RESOLUTION II.

APPROPRIATION FOR SPECIAL EMPLOYES AND CONTINGENT EXPENSES. *C. J. R. 2; Approved January 25, 1899.*

Be it resolved by the Council and the House of Representatives of the 33rd Legislative Assembly of the Territory of New Mexico.

First, That there be and is hereby appropriated the sum of two thousand dollars to meet and pay the wages of interpreters, translators, employees, and contingent expenses of the House of Representatives in this Legislative Assembly; and the further sum of two thousand dollars to meet and pay the wages of interpreters, translators, employees, and contingent expenses of the Council of said Legislative Assembly.

And be it further resolved, that upon the presentation of this resolution to the Auditor of the Territory of New Mexico, the said Auditor shall draw a warrant on the Territorial Treasurer in favor of George H. Wallace, Secretary of the Territory of New Mexico, for the said sum of four thousand dollars; and the Territorial Treasurer is hereby ordered and directed to pay the same out of the funds in the treasury at the discretion of the said Treasurer at the time of the presentation of the said warrant.

Be it further resolved, That the said sums of two thousand dollars respectively shall be hereafter paid out as may be directed by each body of the said Legislative Assembly.

JOINT RESOLUTION III.

PRINTING GOVERNOR'S MESSAGE AND REPORTS, AND APPROPRIATION FOR PRINTING IN SPANISH. *S. C. J. R. 3; Approved January 25, 1899.*

Resolved, the House of Representatives concurring, that one thousand copies in English and one thousand copies in Spanish of the Governor's message to the 33rd Legislative Assembly be printed and that 500 copies in each language be delivered to the Governor and 300 in each language to the House of Representatives and 200 to the Council. That the English copies only shall have printed in them, all the reports of the various Territorial officers and institutions which accompanied the message; that the territorial Auditor shall draw his warrant upon any funds in the hands of the territorial Treasurer, except funds in his hands for the payment of interest on territorial indebtedness in payment of the 1000 copies in Spanish, upon completion and delivery of the same.

JOINT RESOLUTION IV.

TO SUPPLY MEMBERS OF COUNCIL AND HOUSE WITH COMPILED LAWS OF 1897 IN SPANISH AND ENGLISH. *C. J. R. 5; Approved January 25, 1899.*

Resolved the Council and House of Representatives of the Legislative Assembly of the Territory of New Mexico that the Librarian of the Territory be and he is hereby directed and authorized to supply each member of the Legislative Assembly with a copy of the Compiled Laws of New Mexico of 1897 in Spanish and English and that he take credit for the same.

JOINT RESOLUTION V.

ENDORISING THE PRESENT ADMINISTRATION OF THE GENERAL GOVERNMENT. *H. J. R. 1; Approved February 8, 1899.*

Whereas, the people of New Mexico while in their anomalous conditions as a Territory, are not allowed to express [express] their views upon national affairs by voice or vote in the Congress of the nation, where they should properly be heard, and can only at this great distance from the capital put on record their convictions upon matters of national importance which affect them no less than the more favored citizens of the states, with whom we have an equal interest; therefore,

Be it Resolved by the House of Representatives of the Territory of New Mexico, the Council concurring therein, that the present administration of national affairs has our unqualified admiration and approval;

In the conduct and conclusion of the war, the annexation of Haiwaii [Hawaii], the oc[c]upation of Cuba and Porto Rico, and in the present situation in the Philippine Islands, the same wisdom and patriotism is shown as in the administration of domestic affairs, which have brought prosperity and plenty at home, and have made us a creditor instead of a debtor nation; and we hereby express [express] our full confidence and belief that the same wisdom and patriotism which has won for us the respect and admiration of the world in the conduct of affairs at home and abroad, will continue, and that those who have gained for our flag, will preserve all we have acquired without loss to our national honor or dignity, but with added lustre to both.

That the thanks of our people are due and are hereby tendered to the President of the United States for the opportunity afforded them to show their loyalty during the late war, and we pledge the same support again should necessity arise; and we most heartily endorse the fraternal expressions [expressions] of friendship by the President to the people of the south and pledge to him and his administration all the assistance and cooperation which is possible under our limitations as a territory in the consum[m]ation of the grand work so auspiciously begun by them for the glory and welfare [of] our common country; and,

Be it further resolved, that this [these] resolutions be spread upon the Journal of both Houses, and certified copies be sent to the President, to the Vice President of the United States and the Speaker of the House of Representatives, and our Delegate in Congress.

JOINT RESOLUTION VI.

AUTHORIZING THE APPOINTMENT OF EXTRA EMPLOYES FOR COUNCIL AND HOUSE. *S. H. J. R. 2; Approved February 8, 1899.*

Be it resolved by the Council and the House of Representatives of the 33rd Legislative [Assembly] of the Territory of New Mexico:

That the President of the Council and the Speaker of the House of Representatives shall be entitled [entitled] to designate and appoint suitable persons to fill the following positions, in each of said Legislative bodies and at the compensation hereinafter named, to wit:

One door-keeper, \$4.00 per diem.

One assistant door-keeper, \$3.00 per diem.
One assistant sergeant at arms, \$4.00 per diem.
One assistant Engrossing and Enrolling clerk, \$4.00 per diem.
One Interpreter, \$6.00 per diem.
One translator, \$6.00 per diem.
One assistant translator, \$5.00 per diem.
One assistant chief clerk, \$5.00 per diem.
Three committee clerks, \$5.00 per diem each.
One reading clerk, \$4.00 per diem.
One committee clerk to Governor to be selected by him to be carried on the pay rolls of the Council, \$4.00 per diem.
One journal clerk, \$4.00 per diem.
One doorkeeper to Governor, to be selected by him to be carried on the pay rolls of the House, \$3.00 per diem.
Two messengers, \$3.00 per diem each.
One watchman, \$3.00 per diem.
Two sweepers, \$3.00 per diem each.
Two pages, \$1.50 per diem each.
Provided: That it shall be the duty of the chief clerks of the Council and House, respectively, to place the names of the persons so appointed upon the pay rolls of the respective bodies for which the service is performed, together with the period of actual service performed.
The employes above enumerated of each house of the Legislature shall be paid by orders drawn by the presiding officer thereof on the Secretary of the Territory of New Mexico and paid out of the funds provided for by Council Joint Resolutions [Resolution] No. 2. or out of other similar fund or funds which may hereafter be appropriated for this [these] purposes.

JOINT RESOLUTION VII.

APPROPRIATION FOR SPECIAL EMPLOYES AND CONTINGENT EXPENSES. C. J. R. 7; *Approved February 13, 1899.*

Be it resolved by the Council and the House of Representatives of the 33rd, Legislative Assembly of the Territory of New Mexico:

First, that there be and is hereby appropriated the sum of Two Thousand Dollars, to meet and pay the wages of interpreters, translators, employes and contingent expenses of the House of Representatives in this Legislative Assembly; and the further sum of Two Thousand dollars, to meet and pay the wages of interpreters, translators, employes and contingent expenses of the Council of said Legislative Assembly.

And be it further resolved, that upon the presentation of this

resolution to the Auditor of the Territory of New Mexico, the said Auditor shall draw a warrant on the Territorial Treasurer in favor of George H. Wallace Secretary of the Territory of New Mexico, for the said sum of Four Thousand Dollars, and the Territorial Treasurer is hereby ordered and directed to pay the same out of the funds in the treasury at his discretion except the interest fund at the time of the presentation of the said warrant.

Be it further resolved, that the said sum of Two Thousand Dollars, respectively, shall be hereafter paid out as may be directed by each body of the Legislative Assembly.

JOINT RESOLUTION VIII.

ASKING FOR AN ADDITIONAL JUDICIAL DISTRICT. *C. J. R. 8; Approved February 16, 1899.*

Be it resolved by the Council, the House of Representatives concurring:

That there is urgent need and great necessity for the creation of a Sixth Judicial District in the Territory of New Mexico, believing as we do that many hardships to the people in the south eastern portion of the Territory would be relieved by such action on the part of Congress, that the expenses, amounting to at least the salary of an additional judge, could be saved by the Government of the United States in witness and jury fees now caused by the great distance which such jurors and witnesses have to travel from the south-eastern portion of the Territory to the present seat of United States court at Socorro, being a distance of about five hundred and sixty miles; Therefore, We respectfully and earnestly request the Congress of the United States to pass the bill now pending before the committee on Judiciary in the House of Representatives to create said Sixth Judicial District in the Territory of New Mexico, and that the same be done at the earliest day possible; Be it further resolved, that the Secretary of the Territory be requested to send a certified copy of this resolution to the chairman of the committee on judiciary in the House of Representatives and a copy of the same to the chairman of the committee on Judiciary in the Senate of the United States and a copy thereof to the Hon. H. B. Fergusson, our Delegate in Congress.

JOINT RESOLUTION IX.

ORDER AND APPROPRIATION FOR THE PRINTING OF THE REPORTS OF
SUPERINTENDENT OF PUBLIC INSTRUCTION AND OTHER REPORTS.

H. J. R. 4; Approved March 1, 1899.

Be it resolved by the Legislative Assembly of the Territory of New Mexico:

That the Territorial Public Printer is hereby required to immediately print twenty-five hundred copies of the report of the Superintendent of Public Instruction to the Governor, and print therein all engravings of public school buildings in the Territory furnished by said Superintendent.

That the necessary sum of money required to do such work is hereby appropriated out of any funds in the Territorial Treasury not appropriated to pay interest on territorial bonds and that the Auditor of the Territory is hereby directed to issue his warrant on the Territorial Treasurer for the sum required to pay for the printing of said report and cuts.

That one hundred copies of this report and one hundred copies of the other reports that have been submitted to this Legislative Assembly, are hereby ordered translated and printed in the Spanish language for the use of this Legislature.

JOINT RESOLUTION X.

TO CORRECT CERTAIN ERRORS DESIGNATED IN HOUSE BILL 27 (CHAPTER 24). *H. J. R. 6; Approved March 1, 1899.*

Memorandum. For correct Act see Chapter 25.

Your committee on enrolled and engrossed bills, "of the House of Representatives of the 33rd Legislative Assembly" beg leave to report; That it still has in its possession, House Bill No. 27; which has heretofore been reported by this committee as properly engrossed and enrolled. While that is true; your committee reports, that upon investigation it finds that the title of said bill, and the references in its body are misleading; That there are no "sub-sections" to section 867 of the Compiled Laws mentioned in the title, and the "sub-sections" referred to in the body of the bill should be original sections of Chapter 60, Laws of 1897. That your committee has deemed it prudent before taking this bill beyond the control of the House, to report the facts for your consideration, and in this connection for the purpose of rectifying the palpable errors, would recommend the adoption of the following joint resolution, viz:

Be it resolved by the House of Representatives of the Legislative Assembly of the Territory of New Mexico the Council concurring therein:

Whereas, it appears there is a manifest error and mistake in the title of House Bill No. 27, and in the body of the bill wherein it is stated to be "An Act to amend sections 5, 8, 13 and 4 of section 867 Compiled Laws of New Mexico, and in the body of said bill such "sub-sections", are referred to and attempted to be amended therein, when in fact there are no sub-sections to said section 867, Compiled Laws of 1897; and,

Whereas, the manifest intent and purpose of said bill was, and is to amend original sections 5, 8, 13 and 4 of Chapter 60, Laws of 1897, approved March 18, 1897, and the said bill was acted upon and passed with that view and understanding;

Now, therefore, for the purpose of making said bill conform to the true intent and meaning of this Assembly, and to avoid any complications or questions that may arise from the error in reference to the law meant and intended by this body to be amended.

Be it resolved, that the title of said House Bill No. 27. be changed to conform to the facts and be entitled, "An Act to amend sections 5, 8, 13 and 4, of an Act entitled, 'An Act to provide for the compensation of county officers and other purposes', approved March 18 1897, being Chapter 60 of the Session Laws of 1897."

And that in the body of said House bill 27, where the reference is made to "sub-sections" 5, 8, 13 and 4, of section 867 of the Compiled Laws of 1897, said reference be changed so as to conform to the facts and true intent of this body so as to read, "Sections 5, 8, 13 and 4 of Chapter 60, Session Laws of 1897".

All of which is respectfully submitted.

by:

.....
Committee on Enrolled and Engrossed Bills.

JOINT RESOLUTION XI.

AUTHORIZING JOINT COMMITTEE TO INVESTIGATE AND REPORT UPON
EDUCATIONAL INSTITUTIONS AND ASYLUM FOR THE INSANE. *H.
J. R. 7; Approved March 1, 1899.*

Be it resolved by the House of Representatives, the Council concurring, that the Speaker of the House and the President of the Council each be, and hereby is, directed to appoint a joint committee, three from each house, to be appointed by the presiding officer of such house, for the purposes of enquiring into, investigating and reporting upon the condition of the various educational institutions in this Territory, particularly as to their management, prosperity,

and needs; that such committee be, and hereby is, authorized to issue subpoenas and send for persons and papers, and shall also inquire in like manner into the condition of the asylum for the insane, and make like reports thereon.

JOINT RESOLUTION XII.

GIVING AN OPPORTUNITY TO CERTAIN LADIES TO ADDRESS THE COUNCIL AND HOUSE ON THE SUBJECT OF EQUAL SUFFRAGE. *C. J. R. 9; Approved March 8, 1899.*

Whereas, Mrs. Walter C. Hadley has requested that an opportunity be given Mrs. Carrie Chapman Catt and Miss Marv G. Hay to address both branches of the Legislature upon the subject of equal suffrage, Now therefore, be it resolved, by the Council, the House of Representatives concurring, that the said ladies be given an opportunity to address the members of both the Council and the House in the hall of the House of Representatives at such time as may be convenient [convenient] to the said ladies, provided that the assembling [assembling] for such purpose shall not be at any time when either the said Council or House are convened for the transaction of business.

JOINT RESOLUTION XIII.

MAKING APPROPRIATIONS FOR THE INCIDENTAL EXPENSES TO VISIT PUBLIC INSTITUTIONS. *H. J. R. 13; Approved March 15, 1899.*

Be it resolved by the House of the 33rd Legislative Assembly of the Territory of New Mexico, Council concurring.

That the sum of \$125.50, be and the same is hereby appropriated out of any moneys in the hands of the Territorial Treasurer, except such as are held to pay interest on the public debt, for the purpose of reimbursing the members of the House and Council of the 33rd Legislative Assembly for incidental expenses incurred while acting as members of the various committees appointed for the purpose of visiting the various public institutions of the Territory of New Mexico, and that the said sum shall be disbursed on the certificate of the Chief Clerks of the Council and House, respectively, made in favor of the members of their respective bodies, incurring such expense, such certificate to be filed with the Territorial Auditor who shall draw warrants therefor upon the Territorial Treasurer.

JOINT RESOLUTION XIV.

APPROPRIATION FOR ADDITIONAL EMPLOYES, AND CONTINGENT EXPENSES. *C. S. C. J. R. 11; Approved March 15, 1899.*

Be It Resolved By The Council And House Of Representatives Of the 33rd Legislative Assembly Of The Territory Of New Mexico:

1st. That there be and is hereby appropriated the sum of Twelve hundred dollars (\$1200.00) to meet and pay the wages of interpreters, translators, employes and contingent expenses of the House of Representatives of this Legislative Assembly; and the further sum of Three Hundred dollars (\$300.00) to meet and pay the wages of the Speaker of the House of Representatives at ten dollars per day, Chief Clerk at ten dollars per day, Journal Clerk at five dollars per day and an additional Clerk at five dollars per day for ten days after the adjournment of the Legislature; and the further sum of Twelve Hundred dollars (\$1200.00) to meet and pay the wages of interpreters, translators, employes and contingent expenses of the Council of said Legislative Assembly, and the further sum of Three Hundred dollars (\$300.00) to meet and pay the wages of the President of the Council at ten dollars per day, Chief Clerk at ten dollars per day, Journal Clerk at five dollars per day and an additional Clerk at five dollars per day for ten days after the adjournment of the Legislature.

And Be It Further Resolved, That upon the presentation of this resolution to the Auditor of the Territory of New Mexico, the said Auditor shall draw a warrant upon the Territorial Treasurer in favor of George H. Wallace, Secretary of the Territory of New Mexico, for the said sum of Three Thousand dollars (\$3000.00) and the Territorial Treasurer is hereby ordered and directed to pay the same out of the funds in the Treasury at his discretion, except the interest fund, at the time of the presentation of said warrants.

Be It Further Resolved, That the said sums of Twelve Hundred dollars and Three Hundred dollars, respectively, shall be hereafter paid out as the President and the Speaker of each body of the Legislative Assembly may direct. Provided, That the Chief Clerk of each body of said Assembly shall certify the pay roll in the manner hereinbefore provided by law.

JOINT RESOLUTION XV.

AUTHORIZING THE SECRETARY OF THE TERRITORY TO TRANSFER MONEY FROM COUNCIL FUND FOR CONTINGENT EXPENSES, TO THAT OF THE HOUSE FUND. *H. J. R. 15; Approved March 16, 1899.*

Be it resolved by the Legislative Assembly of the Territory of New Mexico:

That, Whereas, according to the statement of the Secretary of the Territory of New Mexico and ex-officio custodian of the contingent expense fund of the 33rd Legislative Assembly of the Territory of New Mexico, there appears a deficit of four hundred and ninety dollars in the House fund and a ballance [balance] of five hundred and ninety-five dollars is shown by the said report to exist to the credit of the Council fund,

Be it resolved, that the Secretary of the Territory and ex-officio custodian of such fund is hereby empowered to apply the above-mentioned five hundred and ninety-five dollars or so much thereof as may be necessary to pay the said deficit existing in said House fund.

HOUSE RESOLUTIONS.

HOUSE RESOLUTION I.

THANKS TO THE SECRETARY OF THE TERRITORY FOR COURTESIES.
H. R. 1. Filed in Secretary's Office February 11, 1899.

Resolved by the House of Representatives in regular session assembled, that the most sincere thanks of this honorable body are hereby given to the Hon. Geo. H. Wallace, Secretary of the Territory, for his faithful and polite treatment rendered by him to this body in the organisation [organization] of the same.

As also for the decent and appropriate locality which he prepared for the session.

HOUSE RESOLUTION II.

PLACING THE NAME OF DOMINGO ORTEGA UPON THE PAY ROLL OF THE HOUSE AS POST MASTER. *H. R. 14. Filed in the Secretary's Office March 14, 1899.*

Be it resolved by the House of the 33rd Legislative Assembly:

That the Chief Clerk of this body is hereby instructed to place the name of Domingo Ortega upon the pay rolls of this House as post master, which position he has filed [filled] since the meeting of this Assembly and for which he has not yet received any remuneration, and that he be paid for such services at the rate of \$2.00 per day during the entire time that this body has been, or may hereafter be in session. Provided, that it is not the intention of this resolution to in any manner effect [affect] the pay which the said Domingo Ortega has received or may receive, as sweeper, but the amount herein directed to be paid to him is in addition to such pay in consideration of additional services.

JOINT MEMORIALS.

JOINT MEMORIAL I.

DEMANDING THE ADMISSION OF THE TERRITORY OF NEW MEXICO AS
A STATE. C. J. M. 1. *Approved February 2, 1899.*

*To the Senate and House of Representatives of the United States
in Congress assembled:*

Your memorialists of the 33rd Legislative Assembly of the Territory of New Mexico now in session at Santa Fe most respectfully represent, that

Whereas, By the treaty of Guadalupe Hidalgo, made between the United States and the Republic of Mexico on the 2nd day of February, A. D., 1848, by which treaty the territory of New Mexico was ceded to the United States, it was solemnly declared that at the proper time such territory should be incorporated into the union of states and clothed with all the powers of a sovereign state; and since which time and in accordance with the terms of said treaty, the great states of California Colorado and Utah have been formed out of said territory and admitted to all the privileges and right[s] of the original states of the Union; yet New Mexico, although as great and as rich in resources as the states named, has been denied that which under the treaty might be called her absolute and perfect right; although a half a century has elapsed since the date of said treaty, still New Mexico and the citizens of the great Territory, regardless of political affiliations, seek and demand admission to the great sisterhood of states; and

Whereas, There are about 550 public schools in the territory with an enrollment of 30,000 pupils, besides various private schools having an attendance of about 4000; also splendid territorial institutions consisting of a University, Agricultural College, Military School, School of Mines and Normal Schools, each having a substantial attendance; and

Whereas, The illiteracy [illiteracy] of this Territory according to the report of the Superintendent of Schools, has been reduced from 46 per cent as shown by the census of 1890, to 21 per cent in 1898; and

Whereas, According to the best information obtainable the population of the Territory at this time is 280,000; and

Whereas [whereas], The value of taxable property of the Territory for the year 1898 was fully \$100,000,000.00, and

Whereas, Her tremendous wealth of live stock and the enormous output thereof yearly into the markets of the world amounting to at least 300,000 head of cattle annually and a million head of sheep and sixteen million pounds of wool; and

Whereas, Her sugar factories, although the industry is in its infancy has added largely to the product of that article to the necessities of the people; and

Whereas, Great progress has been made in the last six years in bringing under irrigation large areas of land which has provided splendid farms and homes for her citizens; and

Whereas, The output of her mines and the other natural resources of the Territory are large and almost unlimited, and especially call attention to the splendid fruit, vegetable and cereal products of the Territory. The wheat of New Mexico taking the first prize at the World's Fair, Chicago, 1893 and the second prize on oats; and

Whereas, It is a fact known to history that the people of the states and of foreign countries are slow to immigrate and settle in a country under territorial government and that capital is slow to invest, being suspicious of the safety of investments in the territories; and

Whereas When the United States took possession of New Mexico, not a drop of blood was shed nor a shot fired, but she voluntarily submitted and gladly came under the authority of her government and ever since her people have been zealously loyal to the United States and her constitution, and in war between the states she furnished over 6500 volunteers and over 2600 militia to the United States army; and

Whereas, Your memorialists especially call attention to the action and conduct of our citizens in the recent Spanish American war. When the call for troops was made, this Territory furnished more than her quota [quota] and about one-half of Roosevelt's gallant Rough Riders were enlisted from the citizens of the Territory of New Mexico, and America never witnessed, and history never recorded, greater bravery or more splendid gallantry than was displayed upon the battlefields of Cuba by these New Mexico troops; greater patience and devotion to a great cause was never shown than by them in camp and field; and

Whereas, Wherein in the past few years there has been admitted into the union states not having more than half the population and not more than half the development, with much less natural resources and wealth than this Territory; the state of Ohio was admitted into the Union with a population of 46,000, and Minnesota had less than 7000 at the census preceding her admission.

Now therefore, be it resolved by the 33rd Legislative Assembly of the Territory of New Mexico that justice to the people of the Territory and treaty stipulations heretofore made imperatively demand that the Territory be admitted into this Union as a state upon an equal footing with the original states at as early a day as it can properly be done. The Congress of the United States is hereby respectfully requested to pass an enabling Act authorizing the people of New Mexico to form a state government, believing as your memorialists do that a probation of a half century to which New Mexico has been subjected, is sufficient time for any portion of the civilized American people to wait for full citizenship and equal rights under the constitution.

Be it further resolved, That the Chief Clerk of the Council and of the House of Representatives are hereby directed to transmit copies of this memorial to the Hon. H. B. Fergusson, our Delegate in Congress, and through him to the President of the United States and to the President of the Senate and to the Speaker of the House of Representatives, and to the Chairman of Committees on Territories in the Senate and House of Representatives.

JOINT MEMORIAL II.

ASKING THE INTERVENTION OF THE GENERAL GOVERNMENT FOR A PORT OF ENTRY WITH THE REPUBLIC OF MEXICO UPON THE SOUTHERN BOUNDARY OF NEW MEXICO. *H. J. R. M. 1. Approved February 8, 1899.*

Resolved, (the Legislative Council concurring) that the following be adopted as a joint memorial of the 33rd. Legislative Assembly of the Territory of New Mexico.

To the President of the United States.

Your memorialist, the 33rd. Legislative Assembly of the Territory of New Mexico, most respectfully represent that the ports of entry and custom houses, on the international boundary line between the United States and the Republic of Mexico have been closed between the city of El Paso in the state of Texas and the town of Nogales in the Territory of Arizona and that the closing of the same on the part of the Republic of Mexico works a great hardship upon the people of New Mexico and Arizona, comp[er]ling persons desiring to bring cattle and sheep out of said Republic of Mexico and into the United States to go either to the said city of El Paso, Texas or the said town of Nogales, Arizona and likewise compelling citizens of the United States who desire to enter said Republic of Mexico with mining machinery or livestock to go [to] one or the other above named places.

This action in closing the ports of entry on the above named line inflicts serious injury, hardship and great financial loss to the citizens of the Territory of New Mexico.

Wherefore, your memorialist respectfully prays that the friendly intervention of the Government of the United States be exercised to the end that the relief asked for may be granted.

And be it further resolved, That this joint memorial be presented to his Excellency, the President of the United States through Hon. H. B. Fergusson, Delegate in Congress from said Territory of New Mexico, and that the President of the Council and Speaker of the House, transmit certified copies to them for that purpose.

JOINT MEMORIAL III.

FOR AUTHORITY TO ISSUE ADDITIONAL BONDS FOR THE COMPLETION OF THE TERRITORIAL CAPITOL BUILDING. C. J. M. 2. *Approved February 8, 1899.*

To the Senate and House of Representatives of the United States in Congress Assembled.

Your memorialist, the Legislative Assembly of the Territory of New Mexico, in its thirty-third session assembled, respectfully represents and shows,

That in the years 1884 and 1885, this body caused to be constructed and furnished, a capitol building at the city of Santa Fe. from the proceeds of territorial bonds issued for that purpose to the amount of Two Hundred and Fifty Thousand Dollars.

That in the year 1892, the said building was totally destroyed by fire, there being no insurance upon the same.

That at the 1895 session of this body an issue of bonds was authorized in the sum of Seventy-five Thousand Dollars for the purpose of reconstructing the said building, which issue of bonds was authorized and approved by you by an Act becoming a law, January 15, 1897, Chapter 30, Second Session 54th Congress—29 Statutes at Large, p. 487, under which Act the reconstruction of said building has progressed in a most economical and satisfactory manner so that with the further appropriation prayed to be validated in this Memorial, it can be completed, furnished and ready for occupancy by the autumn of the present year.

That the capitol re-building board under whose care and direction the said building has been reconstructed, represents to us, and we are fully convinced of the fact, that it has been found impossible, for the reasons stated in the report of the architects transmitted with this Memorial, to complete and furnish the building with the proceeds of the Seventy-five Thousand Dollars of bonds,

as required by section 3481 of the Compiled Laws, but in order to properly complete and furnish the said building in a suitable manner and in harmony with its character, so far as work has progressed, a further appropriation of Sixty thousand dollars is necessary; and that this sum will provide a larger, handsomer, more convenient, and in every respect, more desirable building for the purpose, than the former structure.

This great saving of one hundred and fifteen thousand dollars as compared with the old building being effected by the careful and economical management of the architects, who personally supervised the work, the utilization of much old material and convict labor, and brick from the penitentiary.

In accordance with this belief, we have passed an Act authorizing the issue of Sixty Thousand Dollars in bonds for the purpose indicated, the proceeds to be expended under the direction of the capitol rebuilding board, as were the proceeds of the former issue of bonds for that purpose, a copy of which Act is hereby transmitted.

That under the present Law of Congress (Springer Act of 1886) the Territory is prohibited from issuing any bonds for the purpose named, except with the special consent or approval of your body, which, in view of the circumstances and the great need of a capitol building for the different officers of the Territory and the meetings of this body, we most respectfully and urgently pray you to grant at the present session of your body; and we earnestly urge your immediate attention thereto for the reason that if the present session of Congress lapses without such approval, work upon our building must cease for lack of funds, to our great detriment and actual loss in money.

And your Memorialist will as in duty bound, ever pray.

And be it resolved that the Secretary of the Territory, be, and he is hereby directed to send a copy of this memorial to the President of the Senate, the Speaker of the House of Representatives, and to Honorable Harvey B. Fergusson our Delegate in Congress.

JOINT MEMORIAL IV.

CONCERNING REFRAINING FROM THE DESIGNATING OF FOREST RESERVES BY THE GENERAL GOVERNMENT, AND THE LOCATION OF LANDS DONATED TO THE TERRITORY BY CONGRESS. *C. J. M. 3.*
Approved March 8, 1899.

Asking the President of the United States and the Honorable Secretary of the Interior and the Honorable Commissioner of the General Land Office to refrain from the selection, designation or reservation of any public domain within the Territory of New

Mexico into forest reserves until subsequent to such time as the Territory of New Mexico may be able to select and designate the public lands donated to the Territory by the Act approved June 21, 1898.

Whereas [Whereas] by act of Congress approved June 21, 1898, section [s] 16 and 36, in every township, or lands in lieu thereof, were donated to the Territory of New Mexico for school purposes, and in addition thereto large grants of lands were made to said Territory for the suport of public institutions as in said Act provided; and

Whereas, under the provisions of said Act the Territory of New Mexico was extended the right to select and designate the lands so donated under certain rules and regulations to be provided by the Secretary of the Interior and to hold, dispose [of] and control the same for the purposes of said Act under law to be provided by said Territory; and

Whereas, the Legislature of said Territory now in session, is engaged in the consideration of proposed legislation for the purpose of effecting the intent of said Act; and

Whereas, the greater portion of the Pubclic [Public] Domain in the Territory of New Mexico is either mineral or arid in character, and the lands of greatest value to be selected under said Act are limited in extent and largely confined to the mountain regions of the Territory and such as are being created into Forest Reserves in the west under Executive proclamation; and

Whereas, since the approval of said Act of Congress so donating said lands above mentioned, the Interior Department of the United States has, through its Forest Reserve Superintendents and other officials, proposed to create extensive Forest Reserves in the Territory of New Mexico, and it is reported has designated an extensive [extensive] tract of ground within the Mogollon Mountains in the counties of Grant and Socorro in said Territory, and is proposing to designate other large tracts of ground and segregate the same from the public domain; and

Whereas, the designation and segregation [segregation] of such tracts of land into Forest Reserves will largely force the Territory of New Mexico to select inferior character of lands under the said Act of June 21, 1898, which will be non-productive and of little value, and thus defeat the intentions of the said Act of June 21, 1898: Now therefore, Be it resolved by the Legislative Assembly of the Territory of New Mexico that his Excellency the President of the United States and the Honorable Secretary of the Interior and the Honorable Commissioner of the General Land Office are earnestly requested to refrain from the selection and designation and segregation of anv public lands in the Territory of New Mexico into Forest Reserves pending the selection and designation by

the Territory of New Mexico of the lands so donated to said Territory under said Act of June 21, 1898,

Be it further resolved that the Governor of the Territory of New Mexico, be, and he is hereby requested to transmit to His Excellency, the President of the United States and the Honorable [Honorable] Secretary of the Interior and the Honorable Commissioner of the General Land Office a certified copy of this joint-memorial as soon as the same is adopted by this Legislative Assembly.

JOINT MEMORIAL V.

IN REFERENCE TO FEDERAL AID FOR BUILDING AND CONSTRUCTING
RESERVOIRS AND CANALS IN THE TERRITORY OF NEW MEXICO.
C. J. M. 4. Approved March 9, 1899.

*To the Senate and House of Representatives of the United States
in Congress assembled.*

Your memorialists of the 33rd Legislative Assembly of the Territory of New Mexico now in session at Santa Fe most respectfully represents, that

Whereas, about thirty million acres of land in this Territory, all of which is government land and which is entirely unproductive because of its arid condition, and because of such condition is not available for the use of settlers or homesteaders under any of the existing laws and can be made useful and available by the reclamation from its arid condition, and

Whereas, there are millions [of] cubic feet of water wasted annually through the channels of the natural water courses of the Territory by reason of rain fall and melting snow in the mountains; and

Whereas, if said water was stored by the construction of reservoirs upon or near the streams through which it wastes, and the water applied at the proper season upon the adjacent arid lands, the million acres of unproductive lands could be brought to a high degree of culture, furnishing homes for millions that are to-day without them, increasing largely the commerce from the west to the east, between the states and between the United States and foreign countries, thereby forcing the building of great lines of transportation, opening up and making inhabitable and subject to development large unexplored and undeveloped [undeveloped] mineral sections of the Territory and making New Mexico one of the greatest agricultural states of the Union and possible to sustain as large a farming population as in all the New England states; and

Whereas, the construction of these reservoirs and canals is beyond

the power or possibility of the capital of any single individual, or the aggregate means of a number of individuals, rendering it absolutely necessary for the government of the United States to spread its established policy of federal aid to internal improvement over "Arid America". The propositions are too large and require to many millions of dollars for individual effort; and

Whereas, the Senate Committee on Commerce has just heard arguments in favor of the construction of the comprehensive system of reservoirs in the "Arid West" as a part of the national policy and is urged by the National Irrigation Congress and Senators from Montana, Wyoming and Colorado, asking and urging the appropriation of millions of money for the purposes of this memorial, realizing as they do the importance, not only to the west, but to the Union, and to the world, the liberal extension and application of a policy so long established by the Federal Government, being advised as they are, and as we believe, that the arid states of the west under this system of internal improvement would not only furnish homes, occupations and employment for a much larger population than we have to-day in all the states of the Union, opening up markets and marvelous opportunities for investment and for the home seeker, and at the same time absolutely destroy the necessity of the seventy-five or eighty millions annually appropriated for harbors and rivers and expended largely in caring for the flood waters of the Missouri and Mississippi; therefor[e]

Be it resolved, by the Legislative Assembly as the representatives of the people of the Territory of New Mexico that we ask for and urge upon the Congress of the United States that they appropriate for the purposes set forth in this memorial the sum of five millions of dollars to be expended under and by direction of the Interior Department for the construction of storage reservoirs and the survey and construction of canals from said reservoirs for the purpose of storing and distributing the waters of the Territory over and upon the arid lands thereof and under such regulations and rules as may hereafter be determined and established by the proper department of the Federal Government.

Be it further resolved, that the Secretary of the Territory be, and hereby is, directed to make and transmit four copies of this memorial to our Delegate in Congress, one for himself and three to be transmitted by him to the Chairman of the proper committees in the Senate and House of Representatives, and to Hon. Stephen B. Elkins, respectively.

JOINT MEMORIAL VI.

REQUESTING THE GENERAL GOVERNMENT TO ESTABLISH AND MAINTAIN A TROUT HATCHERY AT TROUT SPRINGS. C. J. M. 5 *Approved March 16, 1899.*

Memorial to the Congress of the United States.

Whereas, there is no government trout hatchery in all the region lying south of Colorado, in the Territories of Arizona and New Mexico, and Whereas the streams in said Territory, and especially in the Territory of New Mexico, are particularly well adapted to trout raising, and the replenishing of the streams in said Territories is important as a source of food supply, and

Whereas the springs and stream known as Trout Springs, lying in the mountains about five miles north west from the Hot Springs, near Las Vegas New Mexico, and being within two miles of a railroad station, is a very favorable location for a government trout hatchery, the said stream having an average winter temperature of 58 degrees, and all the surroundings are such that a hatchery could there be maintained successfully at slight expense, and the same is of great importance to the people of the Territories of New Mexico and Arizona:

Therefore, be it

Resolved by the Legislative Assembly of the Territory of New Mexico, the Council and House both concurring therein, that the Congress of the United States be and hereby is respectfully requested to make the necessary provisions and to establish and maintain a trout hatchery at said place.

Resolved that this memorial be transmitted by the officers of the Assembly to the Honorable Pedro Perea, delegate in Congress, for the Territory of New Mexico, with the request that he present the same to Congress and secure the necessary legislation to establish and maintain said trout hatchery.

JOINT MEMORIAL VII.

RECOMMENDING TO THE FAVORABLE CONSIDERATION OF THE PRESIDENT IN MAKING APPOINTMENTS CERTAIN OF THE VOLUNTEERS FROM NEW MEXICO IN THE LATE U. S. VOLUNTEER CAVALRY. H. J. M. 1. *Approved March 16, 1899.*

To the

Hon. William MciKinley, [McKinley]
President of the United States.

Your memorialists, members of the 33rd Legislative Assembly of the Territory of New Mexico, respectfully memorialize you to

recognize the volunteers who enlisted from said Territory in the 1st. U. S. Vol. Cav. otherwise known as the "Rough Riders", and in the 1st Ter. Regiment of Volunteers from said Territory, in making appointments and receiving enlistments in any regiment that may be hereafter organized for permanent or temporary services in the three cavalry regiments to be organized under the Act of Congress, recently passed, to serve until 1901.

Be it further resolved, that we especially commend for your consideration the service rendered by such of said troops as had the honor of participating in the Santiago campaign, and the record made by those, who by force of circumstances were prevented from participating therein, for discipline and soldierly conduct while enlisted in service.

JOINT MEMORIAL VIII.

REQUESTING THAT NEW MEXICO BE FAVORABLY CONSIDERED IN THE APPORTIONMENT OF THE NATIONAL APPROPRIATIONS FOR GEOLOGICAL SURVEYS. *J. M. 3. Approved March 16, 1899.*

To Ethan A. Hitchcock,
Secretary of the Interior Department.
Washington, D. C.

Your memorialists, the Legislative Assembly of the Territory of New Mexico, now in session at the city of Santa Fe, New Mexico, present this their petition, and urgently request, that you apportion from the national appropriation for geological surveys made by Congress, for the benefit of the various States and Territories, a liberal and generous amount to be expended in the Territory of New Mexico in examining and reporting upon the mineral and varied natural resources of our section of the United States.

We further submit and represent, that in the past, New Mexico for some unaccountable reason, has not received her share of the national appropriation for such surveys and that through such injustice our citizens have for years been deprived of the benefits intended by Congress in making this appropriation, and of all knowledge of our great natural resources, which may be officially made known through the expenditure of our share of this appropriation under your direction.

And your memorialists will ever pray.

RESOLUTION.

Resolved by the Legislative Assembly of the Territory of New Mexico, now in session at the City of Santa Fe, N. M., that the

Secretary of the Territory of New Mexico, is hereby directed to prepare and transmit to the Hon. Secretary of the Interior Department, Washington, D. C. a copy of the foregoing memorial, relative to the making of geological surveys in the Territory of New Mexico from the national appropriation.

JOINT MEMORIAL IX.

MEMORIALIZING CONGRESS FOR AN APPROPRIATION FOR SCIENTIFIC RESEARCH UNDER THE NEW MEXICO SCHOOL OF MINES. *C. J. M. 6. Approved March 16, 1899.*

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

Whereas, The mining and mineral resources of the Territory of New Mexico have not heretofore received the attention which they should have received, for the want of sufficient funds for the proper scientific investigation of the same;

And Whereas, The Territory of New Mexico has a well established School of Mines, with proper buildings and appliances, situate at the City of Socorro, in said Territory;

THEREFORE, *Be it resolved by the Legislative Assembly of the Territory of New Mexico:*

SECTION 1. That Congress is hereby memorialized to appropriate and set aside the sum of twenty-five thousand dollars annually, to be expended under and by direction of the said New Mexico School of Mines, in scientific research, investigation and development of all the mining resources of whatsoever kind within the Territory of New Mexico; and that said sum of twenty-five thousand dollars be so set aside and appropriated, to be expended under the direction of the Board of Trustees of said School of Mines, in connection with any and all appropriations made for similar purposes, to said School of Mines, by the Territory of New Mexico.

SEC. 2. That the Secretary of the Territory of New Mexico is hereby directed to transmit authenticated copies of this memorial to the Secretary of the Interior, to the President of the Senate of the United States, and to the Speaker of the House of Representatives.

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY OF THE TERRITORY. } ss.

I, GEORGE H. WALLACE, Secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copies printed in English, of the Acts, Joint Resolutions, House Resolutions and Joint Memorials of the Thirty-third Session of the Legislative Assembly of the Territory of New Mexico, with the Enrolled and Engrossed originals thereof now on file in this office, and declare to the best of my knowledge and belief, that they are a correct transcript therefrom and of the whole thereof.



IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my official seal,
this 20th day of April, A. D. 1899.

GEO. H. WALLACE,
Secretary of New Mexico.

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CHAS. F. EASLEY,

PUBLIC PROPERTY.—Any public officer in possession of this book will deliver the same to his successor in office.

1901.

ACTS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEW MEXICO,



THIRTY-FOURTH SESSION,

convened in the Capitol, at the City of Santa Fe, on Monday, the 21st
 day of January, 1901, and adjourned the 21st
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J. W. RAYNOLDS.

Santa Fe, May 21st, 1901.

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Note—In so far as was possible at the time of going to press with this volume, the organization of the various Territorial Boards is here given. Where the names of the officers are not given the Boards were not organized.

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COMMISSIONER OF PUBLIC LANDS, ex-officio, Secretary.....	Santa Fe.
E. L. BARTLETT.....	Santa Fe.

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E. G. AUSTEN.....	Las Vegas.
C. L. BALLARD.....	Roswell.
WILL C. BARNES.....	Dorsey.
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GRANVILLE PENDLETON, Vice President.....	Aztec.
ALFRED GRUNSFELD, Treasurer.....	Albuquerque.
A. G. HOOD.....	Silver City.
JOSE E. TORRES.....	Socorro.
MAX FROST, Secretary.....	Santa Fe.

LAND COMMISSION, EX-OFFICIO.

GOVERNOR

SOLICITOR GENERAL.

COMMISSIONER OF PUBLIC LANDS.

COMMISSION OF IRRIGATION.

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FRANK SPRINGER.....	East Las Vegas.
W. A. HAWKINS.....	Alamogordo.
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J. J. HAGERMAN.....	Roswell.
W. B. WALTON.....	Silver City.
THOMAS HUGHES.....	Albuquerque.
T. S. HUBBELL.....	Albuquerque.

REGISTER OF THIRTY-FOURTH LEGISLATIVE ASSEMBLY.

COUNCIL.

District by Counties.	Name.	Address.
1 Colfax, Mora, Union.....	JUAN NAVARRO.....	Mora.
2 San Miguel, Guadalupe.....	FRANK SPRINGER.....	East Las Vegas.
2 San Miguel, Guadalupe.....	CHAS. A. SPIESS.....	Las Vegas.
3 Taos, Rio Arriba and San Juan.....	T. D. BURNS.....	Park View.
3 Taos, Rio Arriba and San Juan.....	MALAQUIAS MARTINEZ.....	Taos.
4 Santa Fe.....	CHAS. F. EASLEY.....	Santa Fe.
5 Bernalillo, McKinley.....	G. W. HARRISON.....	Albuquerque.
5 Bernalillo.....	THOS. HUGHES.....	Albuquerque.
6 Valencia.....	J. FRANCO CHAVES.....	Progreso.
7 Socorro, Sierra.....	C. G. CRUICKSHANK.....	San Marcial.
8 Dona Ana, Grant, Otero.....	J. S. FIELDER.....	Silver City.
9 Dona Ana, Grant, Lincoln, Chaves, Eddy, Otero.....	J. F. HINKLE.....	Lower Penasco.

HOUSE.

1 Colfax.....	WILL C. BARNES.....	Dorsey.
2 Mora.....	CRISTOVAL SANCHEZ.....	Ocate.
3 Union.....	ENCARNACION SANDOVAL.....	Gallegos.
4 San Miguel.....	W. P. CHAPMAN.....	East Las Vegas.
4 San Miguel.....	INDALECIO SENA.....	Sena.
4 San Miguel.....	ZACARIAS VALDEZ.....	Las Vegas.
4 Guadalupe.....	JOSE P. MARTINEZ.....	Liberty.
5 Santa Fe.....	BENJ. M. READ.....	Santa Fe.
5 Santa Fe.....	JOSE E. GOMEZ.....	Robert.
6 Taos.....	E. C. ABBOTT.....	Red River.
7 Rio Arriba.....	B. D. TRUJILLO.....	Chamita.
9 Taos, Rio Arriba.....	MANUEL SANCHEZ.....	Trampas.
8 Taos, Rio Arriba, San Juan.....	GRANVILLE PENDLETON.....	Astec.
9 Bernalillo.....	EMILIANO GUTIERREZ.....	Old Albuquerque
9 Bernalillo.....	BENCESLAO CHAVEZ.....	Old Albuquerque
9 Bernalillo, McKinley.....	ALEX BOWIE.....	Gallup.
10. Valencia.....	CARL A. DALIES.....	Belen.
11 Valencia.....	MARTIN SANCHEZ.....	Punta.
11 Socorro, Sierra.....	JOSE SANCHEZ.....	Lemitar.
11 Socorro, Sierra.....	FRANK H. WINSTON.....	Fairview.
12 Dona Ana, Otero.....	W. H. SLAUGHTER.....	Alamogordo.
12 Grant.....	W. B. WALTON.....	Silver City.
14 Dona Ana, Grant, Otero.....	W. R. ASCARATE.....	Las Cruces.
15 Lincoln, Chaves, Eddy.....	U. S. BATEMAN.....	Carlsbad.

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J. FRANCO CHAVES.....	President.
W. E. MARTIN	Chief Clerk
MELESIO LUCERO.....	Enrolling and Engrossing Clerk.
JOSEPH E. SAINT.....	Sergeant-at-Arms and Doorkeeper
FERMIN LOPEZ.....	Messenger.
FLORENCIO CORTEZ.....	Watchman.
REV. J. L. GAY.....	Chaplain.

OFFICERS OF THE HOUSE.

BENJ. M. READ.....	Speaker.
R. L. BACA.....	Chief Clerk.
MARIANO S. SALAZAR	Enrolling and Engrossing Clerk.
SEFERINO CROLLOTT.....	Sergeant-at-Arms and Doorkeeper.
JUSTINIANO GUTIERREZ.....	Messenger.
ALEJANDRO MARES.....	Watchman.
REV. PAUL GILBERTON.....	Chaplain.

ADDITIONAL EMPLOYES—COUNCIL.

ATILANO ULIBARRI.....	Assistant Chief Clerk.
NESTOR MONTOYA.....	Interpreter.
ACACIO GALLEGOS.....	Assistant Engrossing and Enrolling Clerk.
J. M. GRIFFIN.....	Journal Clerk.
PABLO TRUJILLO.....	Assistant Sergeant-at-Arms.
LUCIANO GALLEGOS.....	Doorkeeper.
NICOLAS ANAYA.....	Assistant Doorkeeper.
J. F. HUBBELL.....	Reading Clerk.
GEORGE W. ARMIJO.....	Translator.
JUAN JOSE HERRERA.....	Assistant Translator.
CLARA H. OLSEN.....	Stenographer.
LOU HUGHES.....	Stenographer.
E. BLANCHE RÖTHGER.....	Committee Clerk.
MRS. BLANCHE M. STEELE.....	Committee Clerk.
J. M. SKINNER.....	Committee Clerk.
NAZARIO GALLEGOS.....	Committee Clerk.
PAGE B. OTERO.....	Committee Clerk.
FRANCISCO LUNA.....	Messenger.
ALBINO MARTINEZ.....	Messenger.
JOSÉ IGNACIO GARCIA.....	Day Watchman.
EDUARDO JARAMILLO.....	Night Watchman.
FELIPE BACA.....	Sweeper.
BASILIO LOPEZ.....	Sweeper.
JUAN ANDRES LOPEZ.....	Porter.
EARTOLOME CHAVEZ.....	Porter.
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ADDITIONAL EMPLOYES—HOUSE.

CHAS. V. SAFFORD.....	Assistant Chief Clerk.
A. A. SEDILLO.....	Interpreter.
MODESTO ORTIZ.....	Interpreter.
CORNELIO CHAVEZ.....	Assistant Enrolling and Engrossing Clerk.
MRS. ANNIE CARSON.....	Journal Clerk.
RUPERTO JARAMILLO.....	Assistant Sergeant-at-Arms.
MANUEL OTERO.....	Doorkeeper.

MANUEL ROMERO	Assistant Doorkeeper.
L. J. BURT.....	Reading Clerk.
AMADO ORTIZ.. ..	Translator.
JOSE VALDEZ.....	Assistant Translator.
EDGAR P. SHIELD.....	Committee Clerk.
PEDRO SANCHEZ.....	Committee Clerk.
RAFAEL GALLEGOS.....	Committee Clerk.
MISS GERISH.....	Committee Clerk.
MRS. CHAPMAN.....	Committee Clerk.
IGNACIO LOPEZ.....	Committee Clerk.
JOSE N. SISNEROS.....	Committee Clerk.
FRANCISCO APODACA.....	Messenger.
JOSE IGNACIO GARCIA.....	Messenger.
JOSE J. GARCIA.....	Messenger.
N. F. CHAVEZ.....	Messenger.
E. M. OTERO	Messenger to the Governor.
ISIDRO LOPEZ.....	Night Watchman.
LUCIANO BALLEGOS.....	Sweeper.
ELIAS SPEARE	Sweeper.
JOSE A. CHAVEZ.....	Sweeper.
ESTEVAN BACA y LUCERO.....	Sweeper.
LORENZO M. VIGIL.....	Porter.
CELSO SANDOVAL.....	Porter.
JUAN M. VIGIL.....	Porter.
JULIAN BACA.....	Porter.
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ERRATA.

Chapter 74, page 142—Contents should read: "Who deem peddlers."
 Chapter 44, page 92—After the words "New Mexico," in the title add: "and for other purposes."

LAWS OF NEW MEXICO.

THIRTY-FOURTH LEGISLATIVE ASSEMBLY, 1901.

CHAPTER I.

AN ACT ENTITLED AN ACT ATTACHING THE COUNTIES OF GRANT AND SIERRA TO THE COUNTIES OF DONA ANA AND OTERO FOR DISTRICT ATTORNEY PURPOSES. *C. B. No. 13; Approved February 11, 1901.*

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Section 1. Office of District Attorney for Counties of Grant and Sierra Abolished. Counties of Grant and Sierra Attached to Dona Ana and Otero to Form One District. Salary and Emoluments of District Attorney. Appointment to be Made. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the office of district attorney for the Counties of Grant and Sierra is hereby abolished and the said Counties of Grant and Sierra are hereby attached, for district attorney purposes, to the district comprising the Counties of Dona Ana and Otero, and that the district attorney, as now provided by law, for the said Counties of Dona Ana and Otero shall be the district attorney also for the Counties of Grant and Sierra, receiving as full compensation for the services performed by him as such district attorney, for the said Counties of Grant and Sierra, the same emoluments as are now paid to the district attorney for said counties. *Provided*, that he shall only receive as salary from the Territory, the salary which is now paid him as district attorney for the Counties of Dona Ana and Otero. *Provided further*; that the Counties of Grant, Dona Ana, Sierra and Otero be deemed as a new district and an appointment be made for same as now provided by law.

Section 2. This Act shall take effect and be in force from and after its passage.

CHAPTER II.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COUNTY OFFICERS IN CASE OF VACANCIES. C. B. No. 35; *Approved February 11, 1901.*

CONTENTS.

Section 1. All Vacancies in County Offices to be Filled by the Governor by Appointment.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Hereafter whenever any vacancy in any county office in any of the Counties of this Territory shall occur by reason of death, resignation or otherwise, it shall be the duty of the Governor of the Territory to fill said vacancy by appointment, and said appointee shall be entitled to hold said office until his successor may be duly elected and qualified according to law.

Section 2. This Act shall be in full force and effect from and after its passage; all Acts and parts of Acts in conflict herewith are hereby repealed.

CHAPTER III.

AN ACT FOR THE PROTECTION OF MINORS AND PUPILS IN SCHOOLS. C. B. No. 1; *Approved February 18, 1901.*

CONTENTS.

Section 1. Unlawful to Sell or Give Intoxicating Liquors or Tobaccos to Minors or Pupils in Educational Institutions.

Section 2. Minors and Pupils not Permitted to Engage in Games of Any Kind in Establishments Where Intoxicating Liquors or Tobacco are Offered for Sale.

Section 3. Minors and Pupils not to Loiter About nor Frequent Saloons or Gambling Places.

Section 4. Printed Copy of Law to be Kept Posted.

Sections 5 and 6. Penalty for Violation of Act.

Section 7. The Word "Person" Defined.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That it shall be unlawful for any person to sell

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or give to any minor under the age of eighteen years, or to any pupil of any school or educational institution within this territory any intoxicating liquor or any cigars, cigarettes, or tobacco in any form, except upon the written consent of the parent or guardian of such minor or pupil.

Section 2. It shall be unlawful for any merchant, apothecary, saloonkeeper, or the proprietor or manager of any other establishment in which intoxicating liquors or tobacco in any form are kept or offered for sale, to permit any minor under the age of eighteen years or pupil in any school or educational institution to engage in any play or game of chance with cards, dice, wheels, or by the manipulation of any machine or device by means of which money or any commodity or property may be hazarded, won or lost, acquired or transferred.

Section 3. It shall be unlawful for any proprietor, keeper or manager of any saloon where intoxicating liquor is kept or offered for sale, or where gambling in any form is carried on or permitted, to permit any minor under the age of twenty-one years or any pupil in any school or educational institution, to loiter upon or frequent the premises belonging to such saloon, or to engage in games or amusements of any kind thereon.

Section 4. Every person maintaining any establishment where intoxicating liquor or tobacco in any form are kept or offered for sale is required to keep posted in a conspicuous place within his place of business a printed copy of this law, and it shall be unlawful for any such person to carry on his business without having such copy at all times posted as aforesaid.

Section 5. Any person violating the provisions of the foregoing sections of this act, or any of them, shall upon conviction be punished for each offense by a fine not less than twenty-five nor more than one hundred dollars, or by imprisonment not less than thirty days nor more than three months, or both at the discretion of the court trying the cause.

Section 6. Any person who shall have been convicted of violating the fourth section of this act, or who shall have been twice convicted of violating any other section of this act, shall, in addition to the penalties otherwise in this act prescribed forfeit his license and right to do business of the nature hereinbefore mentioned within the county in which the offense was committed for the period of one year, and the doing of such business by such person within such county during said period after such conviction shall be punishable as prescribed in section five of this act.

Section 7. The word "person," as used in this act, shall be deemed to mean firm or corporation, as well as natural person, and the person managing the business of such firm or corporation shall be liable to the penalties prescribed by this act. And the proprietor or owner of any of the establishments mentioned in this act shall be liable to the penalties prescribed by this act for any violation of its provisions within or at their establishments, whether committed by themselves or by persons in their employ.

Section 8. All acts and parts of acts in conflict with the provisions of this act are repealed, and this act shall be in force from and after its passage.

CHAPTER IV.

AN ACT FOR THE PROTECTION OF PUBLIC BUILDINGS AND PLACES OF ENTERTAINMENT, AND FOR OTHER PURPOSES. C. B. No. 17; *Approved February 18, 1901.*

CONTENTS.

Section 1. Marking, Defacing, or Injuring any Building, Fence, Wall, Enclosure, or Other Structure, Furniture or Fixtures Unlawful.

Section 2. Entering any Building, Enclosure or Other Structure by any Means Other Than That Provided for General Public.

Section 3. Disturbance of Public Meetings.

Sections 4 and 5. Penalties for Violation of Act.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That it shall be unlawful for any person to write or make marks upon, or in any manner deface or injure, or without the permission of the lawful custodian thereof when the same is not open to the public to enter, any building, fence, wall, enclosure, or other structure, or the furniture, apparatus or fixtures therein, belonging to the Territory of New Mexico, or to any county, city, town, school district, or any territorial institution, or to any religious or charitable association, or to any fair or athletic association, within the Territory of New Mexico, or which is or shall be constructed, maintained or used by or under the authority, license or permission of either of them, for any public purpose, or for any legitimate instruction, worship, ceremony, exercise, sport, entertainment or amusement.

Section 2. It shall be unlawful for any person, without the permission of the owner or lawful custodian thereof, to enter,

through any means of entrance other than that provided for the public to enter, any building, enclosure, or other structure constructed or maintained for the purpose of any lawful entertainment, amusement, sport or contest, or wherein the same is, or is about to be, carried on; or with intent to witness or enjoy, without paying therefor, any such entertainment, amusement, sport or contest within an enclosure for which an admission fee is charged, to climb upon, or occupy any building, fence, or other structure or any part thereof maintained in connection therewith; or with like intent to occupy any public road, street, or alley, with animals, vehicles, structures, or contrivances of any kind, or, except with the permission of the owner thereof, to so occupy any private property or structure thereon adjacent to such enclosure, by any of which means a view is obtained into such enclosure, while any such entertainment, amusement, sport or contest is going on.

Section 3. It shall be unlawful for any person willfully to disturb, interrupt, or in any manner interfere with any public meeting, or any lawful assembly for the purpose of instruction, worship, ceremony, entertainment, exercise, amusement, sport or contest, or within or upon private property willfully and knowingly to violate the rules and regulations prescribed or established for the preservation of order thereat, or the safety of the spectators thereof.

Section 4. Any person who shall violate any of the provisions of this act as prescribed in sections one and three of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment not less than ten nor more than thirty days, or by both such fine and imprisonment at the discretion of the court trying the cause.

Section 5. Any person who shall violate any of the provisions of this act as prescribed in section two shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not less than five dollars nor more than fifty dollars, or by imprisonment not less than five days nor more than fifteen days, or by both such fine and imprisonment at the discretion of the court trying the cause.

Section 6. All acts and parts of acts in conflict with this act are repealed, and this act shall be in full force from and after its passage.

CHAPTER V.

AN ACT TO AMEND SECTION 738 OF THE COMPILED LAWS OF 1897. H. B. No. 29; *Approved February 18, 1901.*

CONTENTS.

Section 1. Amends Section 738 of Compiled Laws of 1897, Regarding Sheriffs and Deputy Sheriffs. *Provided.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 738 of the Compiled Laws of 1897 be amended so as to read as follows:

Section 738. All Sheriffs shall at all times be considered as in the discharge of their duties and be allowed to carry on their persons arms not concealed. On the appointment of any regular or permanent deputy sheriff it shall be the duty of the sheriff to file one notice of such appointment in the office of the Clerk of the Probate Court of his County, and one such notice of such appointment in the office of the Clerk of the District Court of his County, and each of his deputies shall file his oath of office in the office of the Clerk of the Probate Court. Any sheriff is hereby authorized at any time to appoint respectable and orderly persons as special deputies to serve any particular order, writ or process, or when in the opinion of any sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace, and it shall not be necessary to give or file any notice of such special appointment: *Provided;* no person shall be eligible to appointment as a deputy sheriff unless, he is a legally qualified voter of the Territory of New Mexico: *Provided* that there shall be no additional fees or per diem paid by the counties for any additional deputies other than as now provided by law.

Section 2. This act shall be in full force and effect from and after its passage.

CHAPTER VI.

AN ACT PROVIDING FOR ADDITIONAL BUILDINGS FOR THE
NEW MEXICO MILITARY INSTITUTE AT ROSWELL, (C. B.
No. 9; *Approved February 20, 1901.*

CONTENTS.

- Section 1.** Authorizing an Issue of Territorial Bonds in the Sum of \$25,000.
Section 2. Bonds to be Issued and Negotiated Under Direction of Territorial Treasurer. Proceeds to be Delivered to Board of Regents. Proviso.
Section 3. Providing Funds to Meet Payment of Bonds and Interest Thereon.
Section 4. Funds Realized From Rentals and Sale of Lands to be Paid to Territorial Treasurer. Proviso.
Section 5. Providing Funds to Meet Any Deficiency at Maturity of Bonds.
Section 6. The Governor and Each Member of Legislative Assembly to Appoint a Cadet to Military Institute.
Section 7. Recalling Section 3670, Compiled Laws of 1897.

Be it enacted by the Legislative Assembly of the Territory of New Mexico: *see 219.*
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Section 1. An issue of bonds of the Territory of New Mexico is hereby authorized and directed to be made in the sum of twenty-five thousand dollars, to be known as the New Mexico Military Institute bonds; such bonds shall be issued in the denominations of one thousand dollars each, bearing interest at the rate of five per cent. per annum, the interest payable semi-annually on the first days of January and July, and principal and interest payable at the Western National Bank, at the City of New York, in the State of New York; said bonds shall be signed by the Governor and Treasurer of the Territory, and countersigned by the Auditor of Public Accounts, and shall be made payable in twenty years from July 1st, 1901, but redeemed at pleasure of the Territory at any time after ten years from their date, which shall be July 1st, 1901.

Section 2. Said bonds shall be issued and negotiated under the direction of the Treasurer of the Territory and the proceeds thereof delivered to the Board of Regents, of the New Mexico Military Institute, and by them shall be used in the erection, equipment and maintenance of suitable additional buildings on the grounds of said Institute under the direction of said Board of Regents for the benefit of the Institute. *Provided, However,* Said bonds shall not be sold under their face value.

Section 3. For the purpose of providing funds with which

to meet the payment of the said bonds and the interest thereon as the same accrues, it is hereby enacted; First, that all rents derived from the lands donated to said Military Institute by the Act of Congress approved June the 21st, 1898, entitled, "An Act to make certain grants of land to the Territory of New Mexico, and for other purposes," and which have been heretofore or may be hereafter set apart to said Military Institute under the provisions of said Act of Congress, shall be appropriated to the payment of the interest on said bonds as the same accrues, and said rentals shall not be used for any other purpose unless there should be a surplus of funds derived from said rentals remaining after the payment of said interest, in which event, said surplus shall become a part of a sinking fund to be used in paying said bonds when due; and if said rentals shall at any time be insufficient for paying said interest when due, the Auditor of Public Accounts of the Territory is hereby directed to levy annually a tax sufficient to pay any such deficiency and for the purpose of enabling the said levy to be made the Board of Public Lands shall furnish the Auditor a statement showing the amount of lands rented and an estimate of the probable amount which will be realized therefrom each year; and, Second, there shall be set apart and appropriated out of the proceeds of the sale of the first twenty-five thousand acres of the said land so donated and set apart to said Military Institute under the provisions of said Act of Congress, all of the moneys derived from such sales, until same, in connection with rentals set apart as aforesaid, if any, shall reach a sufficient sum to pay off the principal of said bonds and also to pay all interest thereon, which may have accrued, and been paid by the Territory out of other funds than those derived from rentals of said lands, or which may accrue or become due thereon from time to time.

Section 4. All funds realized from said rentals and the sale of said twenty-five thousand acres of said land or so much thereof as may be necessary to provide for the payment of said bonds principal and interest, shall be set apart and paid over to the Treasurer of the Territory as custodian, to be by him paid out only in payment of the interest on said bonds as the same accrues, and in payment of said bonds when payable. *Provided*, Any moneys coming into the hands of the custodian as interest upon said sinking fund shall be made a part of said fund.

Section 5. In event sufficient funds have not been realized from the sale and rentals of said lands for the payment of said bonds, principal and interest, on the first day of January,

A. D. 1921, then, said twenty-five thousand acres of land, or so much thereof remaining unsold at that time as may be necessary, shall be at once put upon the market and sold by the Board of Public Lands under such regulations and laws as may then be in force, and the proceeds realized from such sale shall go to pay any part of said bonds and interest then unpaid when due and to reimburse the Territory for all interest paid by it and remaining unpaid in accordance with section four, hereof.

Section 6. The Governor of the Territory and each member of the Council and House of Representatives composing the 34th Legislative Assembly and of each succeeding assembly thereafter, of the Territory of New Mexico shall have the privilege of appointing one cadet from his district to said Military Institute, who shall be by the said Board of Regents received and furnished military training and equipment, tuition, lodging, and medical attendance, free of cost, and board at actual cost to the Institute for the period of two scholastic years, from the first Monday in September after such appointment; *Provided, however,* said cadet so appointed must not be less than fourteen nor more than twenty years of age at the time of entering the Institute, and subject to other qualifications required by the Board of Regents. Such appointment shall be made during the Legislative session of 1901, and each session thereafter, except in case of vacancy for any cause whatever which shall be filled by the member in whose district it occurs, or by the Governor if at large, upon notice from the President of the Institute.

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Section 7. Section 3670 of the Compiled Laws of New Mexico is hereby repealed.

Section 8. All the acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force immediately after its passage.

CHAPTER VII.

AN ACT TO AMEND SECTIONS 26 AND 27 OF THE SESSION LAWS OF 1899. C. B. No. 22; *Approved February 20, 1901.*

CONTENTS.

Section 1. Section 23 of Chapter 22, Session Laws of 1899, Regarding Taxes Due and Delinquent, Amended.

Section 2. Section 27 of Chapter 22, Session Laws of 1899, Regarding Sale of Real Estate for Delinquent Taxes, Amended.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 26 of Chapter 22 of the session laws of 1899 be amended by inserting after the word "cash" in the seventh line of said section the following; "which in no case shall be less than the amount of taxes due and delinquent upon the property described in said certificate."

Section 2. That section 27 of Chapter 22 of the session laws of 1899, be amended by striking out the word "purchaser" in the second line of said section and inserting in lieu thereof the following words; "original owner of said property or the person or corporation in whose name the said property was listed on the assessment roll."

Section 3. This act shall be in full force and effect from and after its passage.

CHAPTER VIII.

AN ACT TO CREATE A DISTRICT ATTORNEY'S DISTRICT COMPOSED OF THE COUNTIES OF SOCORRO, LINCOLN, EDDY AND CHAVES. C. B. No. 57; *Approved February 20, 1901.*

CONTENTS.

Section 1. Counties of Chaves and Eddy Attached to Counties of Socorro and Lincoln for District Attorney Purposes.

Section 2. Governor to Appoint Attorney.

Section 3. Salary and Fees.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the counties of Chaves and Eddy are here-

by attached to the counties of Socorro and Lincoln, for District Attorney's purposes.

Section 2. That the said counties of Socorro, Lincoln, Chaves and Eddy shall constitute but one district, co-extensive with the Fifth Judicial District of this Territory, for which there shall be appointed by the Governor, a District Attorney in the manner provided by law.

Section 3. That such District Attorney shall receive the same salary from the Territory that is paid to other District Attorneys in this Territory, and also a salary from each of the above named counties as is now fixed by law, together with the usual fees, and emoluments of said office.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER IX.

AN ACT AUTHORIZING FOREIGN RAILROAD COMPANIES OWNING LINES IN THIS TERRITORY TO EXTEND AND BUILD BRANCHES TO THE SAME. *H. B. No. 38; Approved February 27, 1901.*

CONTENTS.

Section 1. Foreign Railroad Companies Owning Lines in New Mexico May Extend Same, Build Branches, and Exercise Right of Eminent Domain.

Section 2. Shall File Declaratory Statement With Secretary of Territory and County Clerks. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Any railroad company organized under the laws of another state or territory, which, by a compliance with the laws of this territory relating to foreign railroad companies, has purchased or may purchase a line of railroad constructed by another company within this territory, may extend such line of railroad, and project and build branches to the same, and side tracks and switches connecting therewith, and otherwise improve the same, and for such purpose exercise the right of eminent domain to the same extent and in like manner as may be done by a domestic railroad corporation. *Amended Feb. 1907, p. 219.*

Section 2. Any such railroad corporation, projecting an *Amended Feb. 1907, p. 219.*

extension or branch of its line of railroad in this Territory, shall file in the office of the Secretary of the Territory, and with the county clerk of the county or counties in which such extension or branches shall be situate, a declaration subscribed by its president and attested under its corporate seal, of its intention to build such extension or branch line, the places from and to which it is intended to construct the same, and a description of the route as near as may be; *Provided, however*, that nothing herein contained shall be deemed to exclude the jurisdiction of this territory over the control or regulation of all railroads or parts of the same as are situate within the boundaries of this territory.

Section 3. This act shall take effect and be in force from and after its passage.

CHAPTER X.

AN ACT RELATIVE TO BOUNTIES ON WILD ANIMALS; *H. B.*
No. 34; Approved February 27, 1901.

CONTENTS.

Section 1. Section 1 of Chapter 38, Session Laws of 1890, Amended. Special Tax Levy for Benefit of "Wild Animal Bounty Fund." Bounties to be paid.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Section 1, of Act of 33rd Legislative Assembly of [the] Territory of New Mexico approved March 15, 1899, entitled An Act to provide means for paying bounties for the killing of wild animals is hereby amended to read as follows:

The several boards of county commissioners are hereby authorized and directed to levy annually a special tax on horses, bovine cattle, sheep and goats in their respective counties to any amount not exceeding two mills, on the assessed value thereof for the purpose of raising money with which to pay bounties for the killing of wild animals. Such special tax shall be collected in the manner provided by law for the collection of other county taxes, and paid into the county treasury as a "Wild Animal bounty Fund," to be used exclusively for the payment of bounties for the killing of wild animals, at the following rates: For each coyote or wild cat, two dollars; for each lynx, two dollars; for each gray wolf, lobo, panther or mountain lion, twenty dollars; for

each bear, ten dollars. That no bounty certificates, shall be issued in payment of scalps under the provisions of this act unless there are funds in the "Wild Animal Bounty Fund" to pay the same.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

Section 3. This act shall take effect and be in force from and after its passage.

CHAPTER XI.

AN ACT AMENDING SUB-SECTIONS 98 AND 104 OF SECTION 2685 OF THE COMPILED LAWS OF 1897. *H. B. No. 42; Approved February 27, 1901.*

CONTENTS.

Section 1. Sub-section 98 of Section 2685, Compiled Laws of 1897, Regarding Notices in Civil Actions, Amended.

Section 2. Sub-section 104 of Section 2685, Compiled Laws of 1897, Regarding Hearings in Civil Action, Amended.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That sub-section ninety-eight (98) of section twenty-six hundred and eighty-five (2685), Chapter one (1), Title XXXIII of the Compiled Laws of 1897, be amended so as to read as follows:

"When a notice of a motion is necessary, it must be served five days before the time appointed for the hearing, but the Court or judge may extend the time of hearing, or by an order to show cause, prescribe a shorter time."

Section 2. That sub-section one hundred and four (104) of section twenty-six hundred and eighty-five (2685), Chapter one (1), Title XXXIII of the Compiled Laws of 1897, be amended to read as follows:

"Any hearing of any kind, whether interlocutory or final, unless trial by jury is necessary, may be had in any case out of regular term time upon five days' notice, in writing to the opposite party, or his attorney or solicitor, but the Court or judge may, upon application, for good cause shown, extend the time of hearing. Such hearing may be had during the term of Court at any time in the discretion of the Court.

Section 3. This act shall take effect and be in force from and after the date of its passage.

CHAPTER XII.

AN ACT FIXING THE TIMES OF HOLDING THE DISTRICT COURTS IN THE THIRD AND FIFTH JUDICIAL DISTRICTS OF THE TERRITORY. *H. B. No. 152; Approved March 1, 1901.*

CONTENTS.

- Section 1. Fixing Times of Holding District Court in the Counties of Dona Ana, Grant, Otero and Sierra.
Section 2. That Portion of Section 2, Chapter 4, Session Laws of 1899, Applicable to the Third Judicial District, Re-Enacted.
Section 3. Fixing Times of Holding District Court in the Counties of Socorro, Eddy, Chaves and Lincoln.
Section 4. Regarding Service and Return of Writs, Summons, and Other Process.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The next regular term of the District Court for the County of Dona Ana shall be begun and held at the county seat of said county on the first Monday of March, 1901; the next regular term of the District Court for the County of Grant shall be begun and held at the county seat of said county on the third Monday of April, 1901; the next regular term of the District Court for the County of Otero shall be begun and held at the county seat of said county on the third Monday of May, 1901; and the next regular term of the District Court for the County of Sierra shall be begun and held at the county seat of said county on the first Monday of June, 1901.

Sec. 2. After the holding of the terms of court mentioned in section one of this act, the regular terms of courts in all of the counties of the third judicial district of the Territory shall be begun and held at the times and places as now provided by section two of chapter four of the session laws of New Mexico for the year 1899, approved February 4th, 1899.

Sec. 3. Hereafter the regular terms of the District Court for the County of Socorro shall be begun and held at the county seat of said county, commencing on the third Monday of May and the fourth Monday of November in each year; in the County of Eddy at the county seat of said county, commencing on the fifth Monday of March and the First Monday of October in each year; in the County of Chaves at

the county seat of said county, commencing on the second Monday of April and the third Monday of October in each year; and in the County of Lincoln at the county seat of said county, commencing on the fourth Monday of April and the first Monday of November in each year; except, for the year 1901, the time for holding the spring terms of the district court in the several counties of the fifth judicial district shall be as follows, to-wit: In the County of Socorro, commencing on the third Monday of May; in the County of Eddy, commencing on the first Monday of April; in the County of Chaves, commencing on the third Monday of April; and in the County of Lincoln, commencing on the fifth Monday of April.

Sec. 4. Every writ, summons, bond, recognizance, subpoena, venire, or other process whatever, which has been issued or taken out from any district court, for any district or county, shall be returnable at the times and places designated in sections one, two and three of this act, and shall have the same force and effect as if the same had been made returnable at times and places mentioned in said sections one, two and three of this act.

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER XIII.

AN ACT ENTITLED AN ACT TO AMEND SECTION 2477 OF CHAPTER 2, OF THE COMPILED LAWS OF 1897, RELATING TO MUNICIPAL CORPORATIONS AND THE INCORPORATION OF TOWNS AND VILLAGES. *H. B. No. 37; Approved March 6, 1901.*

CONTENTS.

Section 1. Section 2477 of Compiled Laws of 1897, Regarding the Incorporation of Towns and Villages, Amended.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 2477 of Chapter II of the Compiled Laws of 1897 relating to Municipal Corporations and the incorporation of towns and villages, be and the same is hereby amended to read as follows: "The population embraced with-

in the limits of said proposed incorporated town or village shall not be less than two hundred people."

Section 2. This act shall take effect from and after its passage.

CHAPTER XIV.

AN ACT FOR THE PURPOSE OF REPEALING CHAPTER 34 OF THE SESSION LAWS OF 1899. C. B. No. 46; *Approved March 6, 1901.*

CONTENTS.

Section 1. Chapter 34, of Session Laws of 1899, Regulating Compensation of County School Superintendents, Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That Chapter Thirty-four of the Session Laws of 1899, entitled an act to regulate the compensation of County School Superintendents, is hereby repealed.

Section 2. This act shall take effect and be in full force from and after its passage.

CHAPTER XV. *Repealed L. 1905, p. 31*

AN ACT TO AMEND SECTION 3910 OF THE COMPILED LAWS OF 1897. C. B. No. 61; *Approved March 6, 1901.*

CONTENTS.

Section 1. Railroad Corporations May Make Contracts or Other Arrangements For the Exchange of Traffic.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 3910 of the Compiled Laws of 1897 of the Territory of New Mexico be amended by adding there to at the end of said section, words as follows: "Provided, That any railroad corporation, whose railroad shall have been, or may hereafter be constructed to a connection with the railroad or railroads of one or more other corporations, either directly or through intermediate railroads, may make exclusive contracts or arrangements with such other copora-

tion or corporations for the running of through cars and trains, and for the interchange, routing and transportation of traffic over their respective railroads, and all such contracts or arrangements heretofore entered into between such corporations are hereby ratified, confirmed and declared valid.

Section 2. This act shall take effect and be in force from and after its passage.

CHAPTER XVI.

AN ACT RELATING TO ASSESSMENTS FOR THE PURPOSES OF TAXATION, AND FOR OTHER PURPOSES. *C. B. No. 45; Approved March 8, 1901.*

CONTENTS.

Section 1. Right of Appeal to Territorial Board of Equalization Granted Dissatisfied Taxpayers of Incorporated Cities. Board to Pass Upon Such Appeals.

Section 2. Appeal to be in Writing and Filed by City Clerk with Territorial Board of Equalization Before the First Monday of August in Each Year. Clerk's Fees.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Hereafter, whenever any tax payer shall be dissatisfied with any assessment of his property made by any city assessor or city council of any incorporated city of this Territory, he shall have the right to an appeal from the action of such assessor or city council to the Territorial Board of Equalization, which board shall have the authority to pass upon and determine the questions involved in said appeal in the same manner and with the same effect as in all other cases of appeal, to said board as now provided by law.

Section 2. Whenever any tax payer shall take an appeal to the Territorial Board of Equalization, as provided in Section one of this act, said appeal shall be in writing and shall be forwarded and filed, before the first Monday in August of each year, with the said Board of Equalization, by the city clerk of such incorporated city, whose fee for such service shall be the sum of one dollar to be paid in advance by the person taking such appeal.

Section 3. This act shall take effect and be in force from and after its passage.

CHAPTER XVII.

AN ACT TO PRESERVE THE PUBLIC HEALTH. *C. B. No. 19;*
Approved March 8, 1901.

CONTENTS.

- Section 1. County Commissioners of Each County to Constitute a Board of Health. Probate Clerk to Keep Record of Proceedings.
- Section 2. Each Justice of the Peace a Health Officer; Duties.
- Sections 3 and 4. Board of Health to make Regulations. Penalties for Violations.
- Section 5. Causes of Sickness to be Prevented, Removed or Destroyed.
- Sections 6 and 7. Owners or Occupants of Property to Remove Filth; Penalty for Refusal or Neglect.
- Section 8. For Purposes of Examination Any Building or Car May be entered.
- Section 9. Justices of the Peace Shall Issue Warrants for Enforcement of Board's Orders.
- Section 10. Permits for Removal of Infected Articles, or Sick or Infected Persons may be Granted.
- Sections 11 and 12. Persons Infected with Contagious Diseases to be Removed to Separate Buildings. Proviso.
- Section 13. Regulating Travel from Infected Counties, States, and Territories. Penalties.
- Section 14. Justices of the Peace to Remove and Care for Persons Infected with Contagious Diseases.
- Section 15. Baggage, Clothing or Other Goods Suspected of Infection to be Secured and Placed Under Guard.
- Section 16. Quarantine to be established.
- Section 17. Justices of the Peace to Eradicate and Prevent Spread of Disease.
- Section 18. Meeting of Board of Health to be Called Upon Presentation of Signed Statement.
- Sections 19 and 20. Physicians and Other Persons Shall Notify Health Authorities of Existence of Disease or Nuisance Dangerous to Public Health; Penalty.
- Section 21. Penalties to be Collected by Suit.
- Section 22. Counties Shall Pay Cost of Carrying Out Provisions of Law; Exceptions.
- Section 23. Members of Board of Health to Receive Mileage. Proviso.
- Section 24. Provisions to be Made for Vaccination.
- Section 25. Boards of Health in Incorporated Towns and Cities; How Constituted. Powers Conferred. Infected Persons may be Removed. Quarantine and Regulations.
- Section 26. School Superintendents to Enforce Vaccination. Penalty for Refusal of Parents. Provisions of Section Applicable to Incorporated Cities and Towns, and Boards of Education.
- Section 27. Providing for the Payment of Vaccination.
- Section 28. Adults to be Vaccinated. Penalty for Refusal or Neglect. County Commissioners to Provide Vaccine Matter and Appoint Physician. County to bear Expense of Vaccinating Poor Persons.
- Section 29. Health Authorities to Establish Quarantine to Prevent Spread of Disease. Notice of Quarantine to be Published. Powers of Municipal Corporations to Punish Infractions of Quarantine Regulations.

Section 30. Sections 3704, 3705, and 3711, Compiled Laws of 1897, Regarding Vaccination, Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the County Commissioners of each County of this Territory shall be a Board of Health for their respective counties, and the Probate Clerk shall be the clerk of said board, and shall keep a record of their proceedings in a book to be provided for that purpose at the expense of the county.

Section 2. Each Justice of the Peace is, by virtue of his office, a health officer of the Board of Health for his respective precinct, and it shall be his duty to attend to the execution of the health laws as set forth in this act, and to follow the rules and regulations given him by the Board of Health hereby established.

Section 3. The Board of Health shall make such regulations respecting nuisances, sources of filth, and causes of sickness within their respective limits, and on board of any car or train of cars, as they shall judge necessary for the public health and safety; and if any person shall violate any such regulations, he shall forfeit a sum not less than Twenty-five nor exceeding One Hundred Dollars.

Section 4. The said Board of Health shall also make such regulations as they may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from any part of their county, or into, or from any train of cars; and if any person shall violate such regulations, he shall forfeit a sum not less than Twenty-five nor to exceed One Hundred Dollars.

Section 5. The Board of Health shall examine into all nuisances, sources of filth, or causes of sickness that may, in their opinion be injurious to health of the inhabitants of their county, or in any car or train of cars within said county, and the same shall destroy, remove or prevent, as the case may require.

Section 6. Whenever such nuisance, source of filth, or cause of sickness shall be found on private property, the Board of Health shall order the owner or occupant, or the person, or persons, that have caused or permitted such nuisance, at his own expense, to remove the same within twenty-four hours; and in default thereof, he, she, or they, shall forfeit the sum of not less than Twenty-five nor to exceed One Hundred Dollars.

Section 7. If the owner or the occupant shall not comply with such order of the Board of Health, such board may cause the said nuisance, source of filth, or cause of sickness to be removed, and all expense incurred thereby shall be paid by said owner or occupant, or by such other persons as shall have caused or permitted the same.

Section 8. Whenever the Board of Health shall think it necessary for the preservation of the lives or health of the inhabitants to enter any building, car, or train of cars in their county, for the purpose of examining into, abating, destroying, removing or preventing any nuisance, source of filth, or cause of sickness, or danger of life or limb, and shall be refused such entry, any member of the Board may make complaint, under oath, to any Justice of the Peace, stating the facts in the case, so far as he has knowledge of them.

Section 9. Such Justice shall thereupon issue a warrant, directed to the Sheriff, or any Constable of the County, commanding him to take sufficient aid, and, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, or danger of life or limb complained of may be, and destroy, remove, or prevent the same, under the direction of the members of the Board of Health.

Section 10. The Board of Health may grant permits for the removal of any infected article, or sick, or infected person, when they shall think it safe and proper to do so.

Section 11. When any person coming from abroad, or residing within any county of this Territory, shall lately before have been infected with small pox or other sickness dangerous to the public health, the Board of Health shall make effectual provisions, in the manner which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, and providing for the keeping of him there until danger of contagion is past. *Provided, however,* that the expense of carrying out the provisions of this section shall be borne by said infected person.

Section 12. If any such infected person cannot be removed without danger to his health, the Board of Health shall make provisions for him as directed in the preceeding [preceding] section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures, in respect to the same as they may deem necessary for the safety of the inhabitants.

Section 13. The Board of Health of any county may appoint suitable persons to attend any places by which travelers may pass into their county from infected places in other coun-

ties, states or territories; and the persons so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to the public health, and, if need be, restrain them from traveling until licensed thereto by the Board of Health of the county from whence they come; and any person coming from such infected place who shall, without license, as aforesaid, travel within this Territory, unless it may be to travel in the most direct way to the place from whence he came, after he shall have been cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not less than Twenty-five nor exceeding One Hundred Dollars.

Section 14. Any Justice of the Peace may make out a warrant under his hand, directed to the Sheriff, or any Constable of the County, in and for which he is an officer, requiring him, under the direction of the Board of Health, to remove any person infected with contagious or infectious disease, and to take possession of convenient houses, or lodging, and to provide other necessities for the accommodation, safety and relief of such person.

Section 15. Whenever, on application of the Board of Health, it shall be made to appear to the Justice of the Peace that there is just cause to suspect that any baggage, clothing, or goods of any kind, found within the county, are infected with any disease which may be dangerous to the public health, such Justice of the Peace shall, by warrant under his hand directed to the Sheriff, or any Constable of the County, require him to take with him as many men as said Justice shall deem necessary to secure such baggage, clothing or other goods, and to post such men as guard over the house or place where such baggage, clothing or other goods shall be lodged, which guard shall take effectual care to prevent any person coming near or removing such baggage, clothing, or other goods, until they are relieved from such duty by the Board of Health. The said Justice shall also, by the same warrant, if it appear to him necessary, require the same officer, under the direction of the Board of Health, to impress or take up convenient houses, or stores for the safe keeping of such baggage, clothing, or other goods; and the Board of Health may cause them to be removed to such houses or stores, or to otherwise detain until they shall, in the opinion of the Board of Health, be freed from infection.

Section 16. When small-pox, or any other disease dangerous to the public health is found to exist in any county of this Territory, the Board of Health shall use all possible care to quarantine, and prevent the spreading of such infection, and

give public notice of infected places to travelers by such means as in their judgment shall be most effectual to the common safety.

Section 17. Upon the complaint of five tax-payers of any precinct, under oath, setting forth the existence of a contagious or infectious disease in such precinct, and the necessity of speedy action to prevent the spreading of the same, the Justice of the Peace of said precinct shall take immediate steps to quarantine such disease, give public notice of its existence, notify the Board of Health of his action in the matter, and carry out any instructions they may give. It is intended to give the Justice of the Peace authority in those cases where prompt action is necessary to stamp out and prevent the spread of contagious or infectious diseases and he is hereby empowered in carrying out the provisions of this section, to direct the Sheriff, or any Constable of the County, and to deputize such officers as may be necessary; and any officer neglecting or refusing to carry out the provisions of this section shall forfeit a sum of not less than Twenty-five nor more than One Hundred Dollars.

Section 18. Whenever a statement setting forth the existence of a contagious disease within the boundaries of the County, or the imminent danger of the same being introduced therein from surrounding territory, said statement being signed by not less than twenty-five tax-payers of the County shall be presented to the Chairman of the Board of County Commissioners, he shall at once call a meeting of the Board of Health, who shall take immediate steps to carry out the provisions of this act, and if any such officer shall neglect or refuse to do so, he shall be deemed guilty of a misdemeanor and on conviction thereof, shall be fined not less than Twenty-five nor more than One Hundred and Fifty Dollars, and be imprisoned for not more than thirty days, or by both such fine and imprisonment in the discretion of the court trying the cause.

Section 19. Whenever any physician, or other person shall know that any one is taken sick with small-pox, or other contagious or infectious disease dangerous to the public health, or of the existence of any nuisance dangerous to the public health, he shall immediately give notice thereof to the Board of Health, or to the health officer of the precinct where such disease or nuisance exists, and if he shall neglect or refuse to give this notice he shall forfeit a sum of not less than Twenty-five nor to exceed One Hundred Dollars.

Section 20. Whenever any house holder shall know that any one within his family is taken sick with small-pox or any

other contagious disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health, or the health officer of the precinct in which such sickness may be; and if he shall neglect or refuse to give such notice, he shall forfeit a sum not less than Twenty-five Dollars nor to exceed One Hundred Dollars.

Section 21. In all cases where forfeits are imposed for disobedience to the provisions of this act, the same shall be collected by suit instituted by the Board of Health, and the exemption laws of the Territory cannot be used as defense against the enforcement of a judgment so obtained; and all money so collected shall be used by said Board to carry out the provisions of this act.

Section 22. The cost of carrying out the provisions of this act, except as otherwise provided, shall be paid by the respective counties; but it is not intended that any fees shall be paid for the care of any sick or infected person able to care for himself; neither is it intended that a public calamity shall be a means of gain; and only necessary services shall be paid for, and only reasonable fees and actual expenses allowed.

Section 23. Whenever a meeting of the Board of Health is called in accordance with this act, the members of said Board shall receive mileage as now provided by law for the County Commissioners; *provided however*, that mileage shall not be allowed for more than three meetings in any one year.

Section 24. Every Board of Health may make suitable provisions at any meeting, for the inoculation of the inhabitants of any precinct with cow-pox vaccine under the direction of the local health officer.

Section 25. The Mayor and Council, Trustees, or other governing bodies of incorporated cities and towns within this Territory, whether incorporated under general or special laws, shall constitute a Board of Health for the Territory within the corporate limits of their respective incorporations, and as such shall have all the powers which are by this act conferred upon the Board of County Commissioners and shall perform such other duties as may be prescribed by ordinance and may enforce the provisions of this act by the Marshal or such other health officers as they may see fit to appoint, and such municipalities shall bear all expense attached to the enforcement of this act within their corporate limits. In event any person shall become infected with any contagious disease within the limits of any incorporated town or city, or within three miles of such incorporated town or city, such infected person shall be removed to a distance of not less than one mile from such incorporated town or city, the place of

removal to be designated by the Mayor of such incorporated town or city. Or in event the Mayor or City Council may deem it best not to remove such infected person, then there shall be instituted a strict quarantine against such infected person or district, and the City Council or Board of Trustees of any municipality in this Territory is hereby authorized to make all regulations to prevent the introduction of any contagious or infectious disease into such municipality, to make quarantine and other laws for that purpose and enforce the same.

Section 26. It shall be the duty of the school superintendent of each county, to see that all children in his county, of school age, are vaccinated against small-pox, and to that end, every teacher of a public school shall see that the children in his district are successfully vaccinated or have been vaccinated within one year previous, and it shall be unlawful for any child to attend school, or for any teacher to allow such child within any school house unless so vaccinated, or showing proper certificate that it has been vaccinated, such teacher shall make report of the number of children whom they have caused to be vaccinated, and those who have presented certificates, that they have been vaccinated, to the county school superintendent at the beginning of the school year and as often thereafter as they may deem necessary, together with the report of the names of any parents who refuse to allow their children to be vaccinated, and any person who shall so refuse or neglect to have his or her children vaccinated in accordance with the law, shall be deemed guilty of a misdemeanor, and upon a report to that effect by the County Superintendent, it shall be the duty of the Sheriff or any constable whom he may designate, to arrest such person, and upon being convicted, he shall be fined not less than Ten Dollars nor more than One Hundred Dollars, or imprisoned in the county jail, not exceeding one hundred days, and the fine so imposed shall go to and be a part of the school fund of the district in which such offender lives. These provisions shall apply to children and parents in incorporated cities, and towns, and the duties heretofore imposed upon county school superintendents are hereby made applicable to Boards of Education therein.

Section 27. The vaccination provided for in the previous section shall be by the health officer, appointed by the Board of County Commissioners or by some competent person selected by the school directors of the district, or the Board of Education in the city or town, and shall be paid for by the parents of such children where they are able so to do, but in

case of their inability by reason of poverty, the same shall be paid for by the Board of Education, or school directors of the several districts, out of the school fund.

Section 28. It shall be the duty of the Boards of County commissioners of the several counties to make and enforce all necessary rules and regulations for the vaccination against small-pox, of the adult citizens in the county, and to enforce the same by proper order to that effect, and if any adult person in the county shall refuse or neglect to carry out any of the orders of the Board in that behalf, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Twenty-five nor exceeding One Hundred Dollars, or imprisoned in the county jail not exceeding one hundred days; and it shall be the duty of the sheriff of the county, or any constable to promptly arrest such offender and cause him to be speedily tried therefor. It is also made the duty of the County Commissioners to provide, at the expense of said county, such amount of vaccine matter as may be necessary to carry out the provisions of this act; and to appoint a competent physician to apply the same at the cost of the person vaccinated, and where such person is unable, through poverty to pay the same, the County shall pay therefor out of its current expense fund.

Section 29. Whenever the necessity shall appear the different Boards of County Commissioners, City Councils and Town Trustees of incorporated towns and cities, may constitute and proclaim a quarantine against other localities in the Territory, and enforce the same under such rules and regulations, as are usual, requisite or necessary, for the purpose of preventing the spread of contagious or infectious diseases; and they shall give notice of such quarantine with its provisions by publication in a newspaper published in the locality where quarantine exists, or if none is published there, in the newspaper published at the county-seat of said county, and in one published at the Capitol of the Territory, when the said quarantine is instituted, against what disease, and when the same is raised; and such municipal corporations shall have power to enforce all quarantine rules and regulations by prosecution, fine and imprisonment, and to summarily punish offenders under such reasonable rules and regulations as they may prescribe in order to make such quarantine effective.

Section 30. Sections 3704, 3705 and 3711 of the Compiled Laws of 1897, and all laws and parts of laws in conflict herewith, are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER XVIII.

AN ACT TO REGULATE THE PRACTICE OF MEDICINE AND TO PROVIDE FOR A BOARD OF HEALTH IN NEW MEXICO. (C. B. No. 43; Approved March 8, 1901.

CONTENTS.

- Section 1. Board of Health Established. Appointed by the Governor.
- Section 2 Officers of the Board. Special Meetings may be Called. Members of Board Sole Judges of Qualifications.
- Section 3. Shall Grant Licenses. Examinations may be Required. Officers to Administer Oaths.
- Section 4. Certificates to be Recorded in Office of Probate Clerk.
- Section 5. Certificates to be Revoked for Dishonorable and Unprofessional Conduct.
- Section 6. Words "Practice of Medicine" Defined. Proviso.
- Section 7. Fees to be Collected.
- Section 8. Itinerant Venders of Drugs and Nostrums to Pay Monthly License. Penalty.
- Section 9. Penalty for Violation of Law.
- Section 10. Distribution of Fines and Fees. Expenses. Duties of Secretary and Treasurer.
- Section 11. All Actions Shall Begin Within One Year From Date of Cause. Duty of District Attorney.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Amended
1402, p. 61 Section 1. That a Board of Health is hereby established which shall be known as the New Mexico Board of Health, and be composed of seven practicing physicians who are graduates of medical schools of undoubted respectability; said board shall consist of four physicians of the regular school, and two of the Homeopathic and one of the Eclectic schools or systems of medicine. The Governor of New Mexico shall appoint the members of said board, and shall fill any vacancies occurring therein. The members of said board shall be appointed for a term of two years.

Section 2. The said board shall organize and select one of its members as president, one as Secretary, and one as treasurer within four months after the appointment of its members. Said board shall hold meetings in the city of Santa Fe, in the Capitol building in the rooms provided for it by the Capitol Custodian Committee, on the first Mondays of each and every June and December. Said board may hold a special meeting in cases of emergency, said special meeting to be called by the president of the board, and the object of the meeting fully stated. Its members shall be the sole judges of the qualification of a person desiring to practice

medicine in New Mexico, and shall determine what are and what are not medical colleges in good standing for the purposes herein provided.

Section 3. The said board shall, upon the production of evidence satisfactory to it, license any person who is the holder of a diploma from a medical college in good standing, to practice medicine, surgery and obstetrics in New Mexico, and shall require all persons, not the holders of such diplomas, to pass such examination as to the board shall seem proper, before licensing such person to engage in the practice of medicine, surgery and obstetrics. In the verification of all diplomas and the conducting of all examinations, the president and secretary of said board shall be and hereby are empowered to administer oaths, and any person making a false oath or affidavit before said board, shall be deemed guilty of perjury, and be subject to punishment for that crime. *Repealed 2.1903. sec. 11.*

Section 4. Every person holding a certificate from said Board of Health, shall have the same recorded in a book provided for that purpose in the office of the probate clerk of the county wherein the practitioner resides, within thirty (30) days after said certificate is issued, and the date of the recording shall be endorsed on said certificate; said certificate must be again recorded in any county to which the practitioner may remove permanently. And the fact that no such certificate shall be found in the county where any person is practicing or offering to practice medicine, shall be accepted by the court as *prima facie* evidence that no such certificate has been issued, and shall throw the burden of proving that he has a certificate upon the defendant in any suit or prosecution begun against him for the violation of the provisions of this act.

Section 5. The said board shall have the power and are hereby authorized to revoke and annul any certificate which has been issued by said board or any previous board, upon satisfactory proof being made to the said board that the holder of said diploma has been guilty of dishonorable or unprofessional conduct. And the said board shall be the sole judges of what constitutes unprofessional or dishonorable conduct. Five (5) days notice shall be given in writing to the person accused of unprofessional or dishonorable conduct with a brief statement of the charge against him, requiring him on a day named to appear before the board, and show cause why his license should not be revoked or cancelled. When any such license has been revoked or cancelled by said board, the said board shall send notice in writing under hand of the secretary which notice shall be filed for

record and recorded in the book in which the physicians' licenses are recorded, in the office of the Probate Clerk of the county in which the person whose license has been revoked resides. Any person whose certificate has been revoked or cancelled by said board under the provisions of this act, who shall thereafter practice or attempt or offer to practice medicine in New Mexico, shall thereby become guilty of a misdemeanor, and shall be punished as provided in Section nine (9) of this act.

Section 6. For the purpose of this act, the words practice of medicine shall mean to open an office for such purpose, or to announce to the public or to any private individual in any way, a desire or willingness or readiness to treat the sick or afflicted, or investigate or diagnose or offer to investigate or diagnose, any physical or mental ailment or disease of any person; or to suggest, recommend, prescribe or direct, for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture or bodily injury or deformity, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation: *Provided*, that nothing in this act shall be construed to prohibit gratuitous services in cases of emergency, or the domestic administration of family remedies, or women from practicing midwifery; and this act shall not apply to surgeons in the service of the United States in the discharge of their official duties.

Section 7. Each applicant for a license to practice medicine in New Mexico holding a diploma from a medical college in good standing shall pay to the secretary of said board a fee of fifteen (\$15.00) dollars and each applicant for such license who offers to pass the examination conducted by said board for the obtaining of such license shall pay a fee of twenty-five (\$25.00) dollars to said secretary.

Section 8. Any itinerant vender of any drug, nostrum, ointment or appliance of any kind intended for the treatment of disease or injury, or who shall, by writing or printing, or any other method, profess to cure or treat disease or deformity, by any drug, nostrum, manipulation or other expedient, shall pay a license of one hundred (\$100.00) dollars per month into the treasury of said board, upon which said payment such itinerant vender may be licensed by said board to sell drugs, nostrums medicines and ointments. And any person so vending or attempting to sell either from vehicles or by traveling through the country, on foot or horse-back, any

such drugs, medicines or ointments, without paying such license shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100.00) dollars, or by imprisonment in the New Mexico penitentiary for not less than one year, for each and every offense.

Section 9. Any person who shall practice medicine, or attempt to practice medicine, in any of its branches in New Mexico, without first complying with the provisions of this law, and without being the holder of a certificate entitling him to practice medicine in New Mexico, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred (\$100.00) dollars, for each and every such offense, and in default of the immediate payment of any such fine, any person so convicted shall be punished by imprisonment in the county jail for a period of thirty (30) days, or until such fine and all the costs of prosecution are paid.

Section 10. One-half of every fine collected under the provisions of this act, shall go and be paid by the court in which such conviction is had, to the sheriff, deputy sheriff, constable or other peace officer who may arrest and cause to be prosecuted, the person so convicted. The other half of all such fines, and all fees herein provided to be paid, shall go to and be the property of the said Board of Health, and shall be by the treasurer of said board, kept in the First National Bank at Santa Fe, to the credit of said board. All the expenses of the members of said board necessarily and properly incurred in attending the sessions of said board, shall be paid out of said fund upon the order of the president and the secretary of the said board. The treasurer of the board, shall keep a correct and itemized account of all moneys received, and disbursed, and shall make a report to the board at each meeting. The secretary of said board is required to report the doings and proceedings of said board together with the amount of all moneys by it received and disbursed, and on what account, at least once a year, to the Governor of New Mexico, at times to be fixed by said board.

Section 11. All actions begun under the provisions of this act, and all actions or proceedings for mal-practice, shall be commenced within one year from the date the cause of action originates. It shall be the duty of the district attorneys to see that the provisions of this act are enforced, and to prosecute all violators of any of the provisions hereof.

Section 12. All acts and parts of acts in conflict with this

act, are hereby repealed, and this act shall take effect and be in force immediately after its passage.

CHAPTER XIX.

AN ACT PRESCRIBING THE DUTIES OF THE SHERIFFS OF THE VARIOUS COUNTIES IN REGARD TO LIQUOR AND GAMING LICENSES. *C. B. No. 49; Approved March 9, 1901.*

CONTENTS.

- Section 1. Sheriffs Shall Visit All Gaming Places and Saloons at Least Once Every Three Months.
Section 2. Reports to be Made Every Quarter.
Section 3. Gaming Places and Saloons to be Closed.
Section 4. License to Cease and Expire.
Section 5. Sheriffs to Give Additional Bond.
Section 6. Sheriffs to be Collectors of Liquor and Gaming Licenses. Fees for Such Service. To Make Returns and Reports.
Section 7. Manner of Applying for License.
Section 8. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Each sheriff in this Territory, either personally or by deputy, shall at least once during every three months visit and inspect every gaming house, saloon, or place where gaming is carried on or gaming tables or apparatus of any kind whatever are kept or gaming is permitted, or where wholesale or retail liquor business is carried on, or spirituous, malt or vinous liquors are sold at wholesale or retail, in his county, and ascertain whether or not licenses therefor in accordance with law have been issued and posted.

Section 2. At the close of each quarter, such Sheriff shall report to the Board of County Commissioners his acts and doings, and those of his deputies hereunder; *provided*, that when the examination and inspection mentioned in section one (1) hereof is performed by deputy, report thereof, shall be made under oath of such deputy; and when made by the Sheriff personally, such report shall be under his oath; said report to specify the number, locations, and proprietors of such gaming houses, saloons, and places where gaming is carried on or gaming tables or apparatus of any kind whatever is kept or gaming is permitted, and where wholesale or retail liquor business is carried on, or spirituous, malt or vinous liquors are sold at wholesale or retail.

Section 3. Immediately upon the discovery by such Sheriff

or deputy of any violation of or failure to comply with Sections 1305, 1306, 4126 or 4130 of the compiled laws of 1897, said officer shall close up the gaming house, saloon, place or building wherein the same has occurred, and shall prevent any further gaming or wholesale or retail liquor business being done or carried on therein; shall take a list of all persons present and summon them as witnesses to appear immediately before the nearest Justice of the Peace or before the Judge of the district court sitting as a committing magistrate; shall arrest the offender or offenders and present them before such Judge or Justice of the Peace forthwith, and shall lodge against him or them an information in the premises.

Section 4. Such information shall be heard and determined with all convenient speed by such Judge or Justice of the Peace, and the accused dealt with according to law; and upon the filing of such information by such Sheriff or deputy, any and all licenses that may be held by such accused for the keeping of gaming tables or apparatus or as wholesale or retail liquor dealer, shall at once cease and expire.

Section 5. All Sheriffs are hereby required to furnish an additional bond in the sum of five thousand dollars conditioned upon the faithful compliance with the provisions of this act. Such bond shall be made and filed as now provided by law for bonds of county officers and shall be approved by the Judge of the District Court of the Judicial District wherein the bond is made.

Section 6. The sheriffs of the several counties shall hereafter be the collectors of all liquor and gaming licenses, and shall be entitled to retain out of the proceeds of such licenses so collected as compensation for their services a commission of four per cent. Such licenses shall be made and issued as now provided by law and delivered to the Sheriff for collection who shall receipt for same and immediately proceed to enforce collection thereon. It shall be the duty of the Sheriff to turn over all money or moneys so collected on or before the tenth day of each month for collections made during the preceding month, to the county treasurer, who shall immediately distribute the same two-thirds ($\frac{2}{3}$) thereof to the credit of the school district wherein such license was paid, and one-third ($\frac{1}{3}$) thereof to the credit of the general school fund of the county and shall issue receipts for such money or moneys so received in triplicate, the original receipt to be delivered to the Sheriff turning over the money, the duplicate receipt to be filed with the County Clerk and the triplicate receipt shall be retained in the office of the County Treasurer. The said Sheriffs are further required to file an

itemized monthly report of all collections made under the provisions of this act, said report shall set forth the amount received or collected, the names of the person or persons from whom collected, the amount of commission retained, shall be made and filed on or before the tenth day of each month, and shall be made in triplicate, the original report to be filed with the County Treasurer, the duplicate report to be filed with the County Clerk, and the triplicate report shall be retained in the office of the Sheriff.

Section 7. That all applications for license shall be made as now required by section 4156 compiled laws 1897.

Section 8. Every violation by any Sheriff of any of the provisions of this act, shall constitute a misdemeanor, and shall be punishable by a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense.

Section 9. All laws or parts of laws in conflict herewith, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER XX.

AN ACT REPEALING SECTIONS 3 AND 4, AND AMENDING SECTION 5, OF CHAPTER 77, OF THE LAWS OF 1899, OF THE TERRITORY OF NEW MEXICO, ENTITLED "AN ACT TO AMEND SECTIONS 441 AND 443, OF THE COMPILED LAWS OF 1897, AND TO OTHERWISE MODIFY THE EXISTING STATUTES IN REFERENCE TO CORPORATIONS." H. B. No. 51; *Approved March 12, 1901.*

CONTENTS.

Section 1. Sections 3 and 4 of Chapter 77, Session Laws of 1899, Repealed.

Section 2. Application of Fees Collected.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That Sections 3, and 4, of Chapter 77, of the Laws of 1899, of the Territory of New Mexico be and are hereby repealed.

Section 2. That Section 5, of Chapter 77 of the Laws of 1899 of the Territory of New Mexico be and is hereby amended to read as follows:

"Section 5. That the fees to be collected by the Secretary of New Mexico, as provided in Section 1, of this act shall be

applied as follows: One dollar of each fee collected in accordance with the requirements of subdivisions (e) and (g) of Section 1, of this act, and five dollars of each fee collected in accordance with the requirements of subdivisions (a), (b), (c), (d), and (f) of Section 1, of this act, shall go to the Secretary of the Territory, the remainder shall be paid over to the Treasurer of the Territory quarterly, beginning April 1st, 1899."

Section 3. This act shall be in force and effect from and after its passage.

CHAPTER XXI.

AN ACT TO AMEND SECTION 1537 OF THE COMPILED LAWS OF 1897, AND INCREASING THE MINIMUM TAX LEVY FOR SCHOOL PURPOSES. *H. B. No. 54; Approved March 12, 1901.*

CONTENTS.

Section 1. Territorial Auditor to Levy a Tax of Three Mills.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That the first sentence of section 1537 of the Compiled Laws of 1897, be and the same hereby is amended to read as follows: That the territorial auditor shall annually, on or before the first day of May of each year, levy a tax of three mills on the dollar upon the taxable property of the territory, and certify the same to the tax collectors of the several counties, who shall collect the same as other taxes are collected, and pay the same to the Territorial Treasurer.

Repeals 1897, p. 240.

Sec. 2. This act shall be in force and take effect from and after its passage.

CHAPTER XXII.

AN ACT ENTITLED AN ACT TO AMEND SECTION 16, CHAPTER 1, TITLE 1, OF THE COMPILED LAWS OF 1897, REFERRING TO APPEALS FROM JUSTICE OF THE PEACE COURTS IN CERTAIN CASES. *H. B. No. 50; Approved March 12, 1901.*

CONTENTS.

Section 1. Section 16, Compiled Laws of 1897, Regarding Appeals to District Courts in Cases of Conviction Under the Law Controlling Acequias, amended.

Be it enacted by the 34th Legislative Assembly of the Territory of New Mexico.

Section 1. That section 16, chapter 1, title 1, of the Compiled Laws of 1897, be and the same is hereby amended so as to read as follows: "Section 16, In all cases of conviction under this act when the fine assessed is in the sum of three dollars, or less, an appeal may be granted to the district court, only when all the accrued costs shall have been paid, which appeal shall be taken and conducted as all other appeals from the decisions of Justices of the Peace."

CHAPTER XXIII.

AN ACT TO PREVENT THE LARCENY OF LIVE STOCK IN THE TERRITORY OF NEW MEXICO. *H. B. No. 111; Approved March 12, 1901.*

CONTENTS.

Section 1. Calves and Colts not to be Separated from Mothers. Proviso.

Section 2. Freshly Branded Live Stock not to be Confined in Any Manner nor Offered for Sale. Exceptions. Term "Freshly Branded" Defined.

Section 4. Penalties for Violations.

Section 5. Animals to be Held as Estrays. Duties of Inspectors. Disposition of Money Received from Sales.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That hereafter it shall be unlawful for any person, firm or corporation to hold under herd, confine in any pasture, building, corral or other enclosure, or to picket out, hobble, tie together or in any manner interfere with the

freedom of calves of neat cattle or colts of horses, asses and burros which are less than seven months old except such young animals be accompanied by their mothers.

This provision shall not apply to the calves of milch cows when such cows are actually used to furnish milk for household purposes or for carrying on a dairy; but in every such case the person, firm or corporation separating calves from their mothers for either of these purposes shall, upon the demand of any cattle owner, sheriff, inspector or any other officer, produce, in a reasonable time, the mother of each one of such calves so that interested parties may ascertain if the cow does or does not claim and suckle such calf.

Section 2. That hereafter it shall be unlawful for any person, firm or corporation to hold under herd, confine in any ^{enclosure} pasture, building, corral or other enclosure, or to picket out, hobble, tie together or in any manner interfere with the freedom of, or to sell or offer to sell any freshly branded neat cattle, horse, mules, asses or burros. ^{See 1901, p. 1.}

This provision shall not apply to any freshly branded animal which may have been previously branded with an older and duly recorded brand, and for which animal the claimant has a legally executed bill of sale from the owner of the older brand; nor to young animals under the age of seven months which are accompanied by their mothers.

The term "Freshly Branded" shall be construed to include any animal on which there is a brand that has not peeled off and fully healed.

Section 3. That whenever the plural form of the name of any kind of animal is used in this act, it shall be considered to mean one or more of such animals.

Section 4. That any violation of this act shall be considered a misdemeanor and any person violating the provisions thereof or any of them, either as principal or when acting for, or as manager of the business of any firm or corporation shall, upon conviction, be punished by a fine of not less than two hundred nor more than one thousand dollars or by imprisonment in the County Jail, for not less than six months nor more than eleven months, or by both such fine and imprisonment, at the discretion of the Court trying the same. The fines assessed and collected under this act shall go one-half into the Court Fund, and one-half into the Wild Animal Bounty Fund of the county in which the case is tried.

Section 5. That all animals held in violation of this act shall be considered estrays, and it shall be the duty of any inspector, appointed by the Cattle Sanitary Board of the Ter-

ritory of New Mexico, who shall receive notice of such violation, to take into his possession as estrays or unclaimed live stock all such animals and hold them for proof of ownership. If the ownership of such estrays be not proved within ten days, they shall be sold by the inspector having them in charge at the highest price obtainable; the funds received from such sale, after the costs of keeping and sale have been deducted, shall be turned over to the Cattle Board to be kept and disposed of in the same manner as is now provided by law for funds arising from the sale of estrays.

Section 6. That all acts and parts of acts in conflict herewith are repealed and this act shall be in force from and after thirty days from its passage.

CHAPTER XXIV.

AN ACT RELATING TO DELINQUENT TAXES. *H. B. No. 203;*
Law by Limitation, March 15, 1901.

CONTENTS.

Section 1. Delinquent Taxes Collected to be Turned Into General Expense and School Funds of Counties.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. All delinquent taxes collected on account of taxes levied, prior to and including the year 1899, shall be turned into the general expense fund and school fund of the various counties in which the same are collected of this territory, and all such taxes so collected shall be equally distributed to the credit of said funds.

Section 2. This act shall take effect and be in full force from and after its passage.

CHAPTER XXV.

AN ACT TO PREVENT THE KILLING OF BIRDS IN THE TERRITORY OF NEW MEXICO. C. B. No. 3; *Approved March 14, 1901.*

CONTENTS.

Section 1. Enumeration of the Kinds of Birds Protected. Proviso.

Section 2. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That it shall be unlawful for any person or persons, in this Territory to wantonly shoot, snare, or entrap, for the purpose of killing, or in any other manner to destroy, any song bird, or birds whose principal food consists of insects; comprising all the species and varieties of birds represented by the several families of Blue-birds, including the Western and Mountain Blue-birds; also Road-runner, Wood-peckers, Night-hawks, Humming birds, Phoebe-birds, Fly-catchers, Pewees, Pinon jays and other varieties of the Jay family; Black-birds, Meadow-larks, Orioles, Mexican Ojototles, Arizona Gold-finches, Swallows, Yellow-throats, Thrashers, Wrens, Mocking-birds, Rocky Mountain creepers, Nut hatches, Robins, Chickadees, Gnat-catchers, Thrushes, Oregon or "Denny Pheasant," and all other species and varieties of birds, regarded as harmless in their habits, and whose flesh is unfit for food; except such as are destructive to orchards, gardens and fields, or crops of fruit, berries or grain. *Provided*, that nothing in this act shall be construed to prohibit the killing of any such birds for scientific purposes.

Section 2. Any person or persons violating the provisions of this act shall be punished by any court before whom complaint may be made, by a fine not to exceed Fifty Dollars and not less than Ten Dollars, or by imprisonment in the county jail, not to exceed thirty days and not less than ten days. Each bird killed, injured or in any way disposed of, shall constitute a separate offense under the provisions of this act.

Section 3. This act shall take effect from and after its passage.

CHAPTER XXVI.

AN ACT FOR THE PROTECTION OF GAME BIRDS IN THE TERRITORY OF NEW MEXICO. C. S. for H. B. No. 118; *Approved March 14, 1901.*

CONTENTS.

Section 1. Prairie Chickens, Partridges, Wild Turkeys, Quail and Pheasants not to be Killed or Trapped. Exceptions and Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Revised
1905 Section 1. That after the passage of this Act, it shall be unlawful to kill, wound, snare or trap any Grouse, Prairie Chicken, Partridge or Wild Turkey in the Territory of New Mexico, except that said birds may be killed with a gun only, during the months of October, November and December of each year, and *provided also*; that quail may be killed with a gun only, during the months of October, November, December, January and February of each year, and be it *further provided* that no species of Pheasant shall be killed during a period of Five (5) years from and after the passage of this Act. And any violation of this act shall be deemed a misdemeanor and be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars or imprisonment for not less than thirty nor more than sixty days or by both such fine and imprisonment in the discretion of the court trying the cause, and every game bird mentioned in this act killed in violation thereof, shall cause a separate and distinct prosecution of such offender, as for a separate and distinct offense.

Section 2. This Act shall be in full force and effect from and after its passage.

CHAPTER XXVII.

AN ACT TO AMEND CERTAIN PROVISIONS OF THE LAW RELATING TO PUBLIC SCHOOLS. *C. B. No. 23; Approved March 14, 1901.*

CONTENTS.

- Section 1. Territorial Board of Education Established; How Constituted. Governor to Appoint. Time and Place of Meetings.
- Section 2. Examination Questions to be Prepared. Time and Manner of Holding Examinations. Grades of Certificates. Compensation of Members. Certificates May be Renewed. Teachers to Have a Knowledge of Both English and Spanish. Penalties. Proviso.
- Section 3. Special Teachers' Institutes May be Held. Municipal Boards May Levy Taxes.
- Section 4. Attendance Upon County Institutes Compulsory.
- Section 5. Poll-taxes to be Paid to County Treasurer. No Exemption From Tax.
- Section 6. Compensation of Superintendents in First-class Counties. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 1514 of the Compiled Laws of New Mexico of 1897 is amended so as to read as follows: "There shall be a Territorial Board of Education which shall consist of seven members: The Governor, the Superintendent of Public Instruction, and five members to be appointed by the Governor from among the heads of the territorial educational institutions, the president of St. Michael's College of Santa Fe, and the superintendents of the schools in the four cities of the territory ranking highest in population at the time the appointment shall be made; provided, that immediately after the passage of this act, the board shall consist of the Governor, the Superintendent of Public Instruction, the President of St. Michael's College aforesaid, the President of the University of New Mexico, the President of the New Mexico College of Agriculture and Mechanic Arts, and of two other members to be appointed by the Governor from among the heads of territorial educational institutions, not already members of the board, and the four city superintendents of schools aforesaid; and thereupon it shall be determined by lot at the first meeting of the board which of the members other than the Governor and the Superintendent of Public Instruction shall have his term of office expire on the first day of January, 1902, which on the first day of January, 1903, which on the first day of January, 1904, which on the first day of January,

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1905, and which on the first day of January 1906; and each year, at the expiration of the term of office of a member, the Governor shall appoint his successor, for a term of five years, from among those persons who are made eligible by this act. The board shall meet at the office of the Superintendent of Public Instruction on the first Mondays of June and December, and at such other times on the call of the Governor or of a majority of the board as the public business may require. A majority of the board shall constitute a quorum for the transaction of business, and in the absence of the Governor the board may elect a temporary presiding officer who shall sign the journal."

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1907, p. 240

Section 2. That section 1526 of the Compiled Laws of New Mexico of 1897 is hereby amended by adding thereto the following: "The Territorial Board of Education shall annually prepare or cause to be prepared four sets of examination questions, upon such subjects as it may elect, for applicants for first and second class teachers' certificates, to teach in the several school districts, independent districts, and incorporate towns and cities of the territory; and such board shall send one of such sets, sealed, to each of the County Superintendents seven days before the last Friday in August and November, and on such last Fridays as aforesaid, the said County Superintendents shall open the sealed questions in the presence of the assembled applicants, for teachers' certificates, and the examining board, and shall at once proceed to hold examinations on such questions. Special examinations may be held in counties of the first class at other times when necessary at the discretion of the examining board. The examining board shall grade the applicants on the examinations so held, and shall immediately send the papers of the applicants, together with the grade it has given them, to the Territorial Board of Education, or its representative, to be revised if deemed proper. This revision shall be final, and the examining board holding the examination shall, on notification, immediately issue a certificate to the applicant to accord with the action of said Territorial Board of Education; but in the absence of such revision and pending such revision the grade given by the examining board shall stand. All applicants receiving a general average grade as high as 90 per cent., with no grade in any one branch lower than 70 per cent., shall receive first class certificates, entitling them to teach for three years throughout the territory; and those receiving a general average grade as high as 70 per cent. and lower than 90 per cent., with no grade in any one branch lower than 50 per cent., shall receive second class certificates en-

titling the recipients to teach for two years within the county in which granted, and which may be honored in other counties, for time specified in the certificate only, at the discretion of the County Superintendents of said other counties. Third class certificates, entitling the recipient to teach for one year within the county in which granted, may be granted as now provided by law. The members of such examining board shall not be paid for more than six days' services for any one examination session in counties other than those of the first class. Holders of first class certificates may have them renewed within any county at the discretion of the Superintendent of said county without a formal re-examination, in case evidence is shown of successful experience in teaching and faithful attendance to duty: *Provided*, that no such renewal of any certificate shall be made by any County Superintendent without the consent of the Territorial Board of Education; but in the absence of such renewal, all first-class certificates shall be void at the expiration of three years from their date. All second-class certificates shall be void at the expiration of two years from their date, and all third-class certificates at the expiration of one year from their date. Certificates, good only in the district in which granted, may be issued by the authority of Boards of Education in incorporated cities or towns, and shall be valid and sufficient for teachers in said districts for such periods as said board may prescribe. A legally qualified teacher to teach in any school district, independent district, or incorporated town or city, shall be one who has been certificated as prescribed in this act, and who possess a certificate of attendance upon some county or city normal institute, or summer school, or has an approved excuse for non-attendance; and in school districts where the only language spoken is Spanish the teacher shall have a knowledge of both Spanish and English. Any County Superintendent, or member of a school board, or county treasurer who shall directly or indirectly cause the public school funds to be paid for teachers' services to any other person than a legally qualified teacher under the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars (\$100.00) nor more than Five hundred dollars (\$500.00) for each and every offense, and may be removed from office by the Governor: *Provided*, no first class certificate shall be issued, nor shall any person be entitled to a first class certificate, until he or she has procured the same by examination as provided for in this act."

Section 3. In addition to the privileges, powers and duties of boards of education heretofore prescribed by law, the

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power is hereby granted to boards of education for districts consisting of incorporated cities or towns to employ a city or district superintendent, who, in conjunction with the board of education, shall be authorized to hold special teachers' institutes for the instruction of teachers; and they shall also have power to levy a tax for the support of the schools of the district, not exceeding in any one year, seven and one half mills on the dollar on all taxable property within the district, for school purposes; said levy to be made, approved, certified and collected as heretofore provided by law.

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407 B. 240
Section 4. That section 1613 of the Compiled Laws of New Mexico of 1897 is amended so as to read as follows: "It shall be compulsory upon all persons who expect to teach in any school district, independent district or incorporated town, to attend the county institute or to show a certificate of attendance upon some county institute or approved summer school held within the year. County Superintendents are hereby forbidden to issue a certificate to, or to honor the certificates of, any person who refuses to comply with the provisions of this act; but any person who fails to so attend by reason of sickness or other good and sufficient excuse, rendered to the County Superintendent and approved by him and also by the Territorial Board of Education may be excused by the County Superintendent from such attendance. Teachers in city schools who possess a certificate of attendance upon a city institute held by order of the board of education in the district in which they are to teach, shall be excused from attendance upon the County institute."

Section 5. Section 1549 of the Compiled Laws of New Mexico of 1897 is amended by adding thereto the following: All poll-taxes shall be paid to the county treasurer for the use of the respective school districts in which the same are collected, and the treasurer shall pay to the district clerk his percentage on the gross amount collected. No property shall be exempt from execution in suits for collection of poll-taxes and the justices of the peace and constables shall not demand fees in advance in such suits.

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Section 6. The county school superintendents of counties of the first-class shall be paid the sum of five dollars (\$5.00) for each and every day, not exceeding three days (3) in any one year, for his services, expenses and time employed in visiting each school district during session of the school in said district outside of the one in which he resides, in addition to the salary now allowed by law. Said amount to be paid out of the general school fund of such county by the board of county commissioners as other expenses and salaries

are paid. *Provided*, that said superintendents shall in no case charge nor be allowed pay for visiting more than forty-five districts in their county during any one year.

Section 7. All laws and parts of laws in conflict with the provisions of this act are repealed: and this act shall be in force from and after its passage.

CHAPTER XXVIII.

AN ACT TO PREVENT DROVES, HERDS OR FLOCKS OF ANIMALS FROM TRESPASSING UPON PRIVATE LANDS AND WATER. C. B. No. 60; *Approved March 16, 1901.*

CONTENTS.

Section 1. Animals Must Not be Permitted to Trespass Upon Private Lands and Water Rights. Notices to be Posted.

Section 2. Violations and Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That after the passage of this act it shall be unlawful for any person, persons, company or corporation, *General* or their or either of their agents or employes having charge *Sec. 1. 1901, P* of any drove of bovine cattle, horses, sheep, goats or other *Repealed* animals to permit or allow such herd of animals to go upon *1905, P* the lands of others in this territory for the purpose of grazing or watering upon any waters upon such lands, without the permission of the owner or legal claimant, or his or their agent. The provisions of this act shall apply not only to titled lands in this territory, but to any lands upon which any person may have a valid existing filing under the laws of the United States, or any lands which may be leased by any person from the Territory of New Mexico.

Any person, persons, company or corporation who may claim the benefits of the protection of this act, shall carefully and conspicuously mark the line or lines of his or its lands, so that such mark may be easily seen by persons handling such droves, flocks or herds of animals, and shall post a notice upon such land conspicuously, warning against trespassing thereon.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon complaint and conviction before any justice of the peace in the Territory of New Mexico, shall be punished by fine in a sum not less than twenty-five dollars nor exceeding one hundred dollars, or im-

prisonment not less than ten nor exceeding thirty days, or both such fine and imprisonment in the discretion of the court trying the case; and such violation shall constitute a separate and distinct offense for each day upon which the same is committed.

Section 3. This act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT TO AMEND SECTION 1876, OF THE COMPILED LAWS OF 1897. *H. B. No. 26; Approved March 16, 1901.*

CONTENTS.

Section 1. Rights of Indians in and to Acequias and Distribution of Water.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 1876, of the Compiled Laws of 1897, be and the same is hereby amended so as to read as follows:

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1905, p. 77.*

"Sec. 1876. The different communities or pueblos of Indians residing within the Territory of New Mexico, shall be subject to render their services in working the acequias, within the limits of their respective reservations in which they may have a common interest with the citizens who live within their respective reservations, and they shall enjoy at the same time the same benefit and rights of commercial traffic. *Provided*, that said Indians shall have no right to participate in the nomination and election of acequia overseers nor acequia or water commissioners. In all cases in which citizens living within the limits of such communities or pueblos of Indians shall have acquired water rights by purchase of land from said Indians, the distribution of such water between the Indians and the said citizens shall be agreed upon, based upon the customs heretofore practiced and recognized between the said Indians and said citizens, by and between the Governor of the community or pueblo and the commissioners of such acequias in which the said citizens may have acquired any such rights, and the Governors of such communities or pueblos of Indians and the said river, or acequia commissioners, shall also regulate the amount and manner of work to be done by the Indians and citizens in all such acequias in which all have water rights, in accordance with such customs."

Sec. 2. All laws or parts of laws in conflict herewith are

hereby repealed, and this act shall be in full force and effect from and after its passage.

CHAPTER XXX.

AN ACT PRESCRIBING THE DUTIES OF CLERKS OF DISTRICT COURTS IN CRIMINAL CASES. *H. B. No. 40; Approved March 16, 1901.*

CONTENTS.

Section 1. To Make a List of Criminal Cases Appealed to the Supreme Court and Transmit Same to the Clerk of That Court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. It shall be the duty of each clerk of a district court, on the adjournment of every term, to make a list of the criminal cases in which appeal has been allowed to the Supreme Court, and transmit the same to the Clerk of said court with a statement whether the defendant has given bond or not; and in all cases where the defendant has not perfected his appeal by filing bill of exceptions in the clerk's office as provided by law, said clerk of the district court shall make and certify to the Clerk of the Supreme Court a copy of the record proper as it remains in his office, showing the indictment, plea, verdict, judgment and allowance of appeal, which record shall be sent to the Clerk of the Supreme Court at least five days before the time fixed by law for the meeting of said Supreme Court. And any failure on the part of any clerk of a district court to comply with the provisions of this act shall constitute a failure of his duty in office, and the Supreme Court shall impose a fine upon such delinquent district clerk of not less than ten dollars for each and every case so failed to be reported by him in accordance with the provisions of this act.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER XXXI.

AN ACT GRANTING POWER TO MUNICIPAL CORPORATIONS TO PROHIBIT THE RUNNING AT LARGE OF ANIMALS AND AUTHORIZING THE IMPOUNDING AND SUMMARY SALE OF SAME. H. B. No. 43; Approved March 16, 1901.

CONTENTS.

Section 1. Municipal Corporations Empowered to Prohibit the Running at Large of Animals.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That every municipal corporation or incorporated city or town in the Territory of New Mexico, incorporated under any general or special act, shall have power by ordinance to regulate, restrain and prohibit the running at large within the limits of such corporation, of horses, cattle, burros, swine, sheep and goats, and to provide for the impounding and the sale of said animals so found running at large.

Section 2. This act shall take effect and be in force from and after the date of its passage.

CHAPTER XXXII.

AN ACT TO AMEND SECTION 3345 OF THE COMPILED LAWS OF 1897, RELATING TO THE CAUSES FOR WHICH ACTION FOR FORCIBLE ENTRY OR UNLAWFUL DETAINER OF REAL PROPERTY MAY BE PROSECUTED BEFORE A JUSTICE OF THE PEACE. H. B. 44; Approved March 16, 1901.

CONTENTS.

Section 1. Section 3345 of the Compiled Laws of 1897, Amended Concerning Tenants.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 3345 of the Compiled Laws of 1897, be and the same is hereby amended by adding thereto the following:

Fifth: When a tenant from month to month or tenant at will continues in possession of the premises after thirty days'

written notice by the owner, his agent or attorney to vacate the same.

Section 2. This [act] shall take effect and be in force from and after the date of its passage.

CHAPTER XXXIII.

AN ACT TO AMEND CHAPTER 78 OF THE SESSION LAWS OF NEW MEXICO, 1899, BEING AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ISSUANCE OF BONDS IN TOWNS OR VILLAGES WHICH HAVE BEEN OR MAY HEREAFTER BE INCORPORATED UNDER SECTIONS 2476 TO 2492 INCLUSIVE, COMPILED LAWS OF 1897, AND FOR OTHER PURPOSES," "APPROVED MARCH 16, 1899." *H. B. No. 75; Approved March 16, 1901.*

CONTENTS.

Section 1. Incorporated Towns and Villages May Issue Improvement Bonds.

Section 2. Tax Levy to Provide for Payment of Interest and Principal of Bonds. Provisos.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 1 of said Chapter LXXVIII shall be amended so as to read as follows: That after the passage of this act towns or villages incorporated or which may hereafter be incorporated under sections 2476 to 2492 inclusive, of the Compiled Laws of the Territory of New Mexico, 1897, are hereby empowered to issue bonds of said town or village in a sum not to exceed fifty thousand dollars, which bonds shall be known and designated as the Water System, Sewer System and Street Improvement Bonds, and shall be in the usual form of coupon bonds, payable to bearer, in the denomination of one thousand dollars each, and shall bear interest at the rate of not to exceed six per cent per annum, interest payable semi-annually on the 10th days of January and July; and such bonds shall not be sold for less than their par or face value; principal and interest shall be payable at the Western National Bank, City of New York, State of New York, and shall be payable absolutely in thirty years from the date of their issuance, but the town or village issuing the same shall have the right to pay them any time after twenty years from their date. Such bonds

shall be signed by the Chairman of the Board of Trustees of such town or village, countersigned by the clerk of such Board, and the coupons attached thereto shall have a lithographed signature of the treasurer of the town or village.

Section 2. Section 3 of said Chapter and Act shall be amended so as to read as follows: To provide for the payment of the semi-annual interest on the bonds authorized by this act and issued thereunder, the Board of Trustees of the town or village shall annually levy and collect as other taxes are levied and collected, at the time of the levying of other town or village taxes, in said town or village, upon all the property within the limits thereof, taxes, the proceeds of which, will be sufficient when collected to pay all of said interest, and said Board of Trustees, beginning in the year 1914, shall levy annually upon all the property then located within the limits of said town or village, a tax which shall produce a fund sufficient to redeem all of said bonds, when the same may become absolutely due, and the proceeds of such tax levy shall be kept by the proper officer, under bond, as a sinking fund for the full payment and satisfaction of all the bonds issued under and by virtue of this act; *Provided* that no bonds shall be issued under the provisions of this act until the proposition to issue the same shall be submitted to the vote of the qualified electors, residing in said town or village, owners of real or personal property subject to taxation within such village or town, after due and proper notice of the time and place when said votes shall be taken, and in full compliance with the Act of Congress, approved March 4th, 1898, an act in reference to the issuance of municipal bonds in the territories, and removing the limitations placed upon the same by the Act of Congress, approved July 30th 1886, and commonly known as the "Springer Law." *Provided further*, that this act and the law amended by this act shall also apply to cities in New Mexico which were originally incorporated under sections 2476 to 2492 inclusive, Compiled Laws of 1897, but which have or may hereafter change the character of their municipal government under any law of this territory by becoming a city of any class, and such city shall have all the authority and power as to the issue of bonds for water system, sewer system and street improvement, and the use of the proceeds and shall be subject to all the limitations and liabilities of towns and villages as in said acts provided; and such issue of bonds by such city shall be in full compliance with said Act of Congress approved March 4th, 1898, and when so issued by such city shall be signed by the mayor thereof, countersigned by the clerk or recorder,

and shall bear the lithographed signature of the treasurer thereof.

Section 3 This act shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT TO ESTABLISH A LEGAL METHOD OF MEASURING HAY. *H. B. No. 102; Approved March 16, 1901.*

CONTENTS.

Sections 1 and 2. Instructions for Measuring Hay in the Stack in Order to Ascertain Tonnage.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. The following rule and method of measuring loose hay in the stack, and specifying the cubical contents of a ton of loose hay, is hereby established.

Section 2 Measure the stack for length, width, and the "over," to get the "over," throw a tape line over the stack at an average place, from ground to ground, drawing it tightly.

Multiply the width by the over and divide this result by four.

Multiply result of division by the length, for approximate cubical contents of stack.

To reduce to tons, for hay that has stood in stack less than 20 days, divide cubical contents by 512, for more than 20 and less than 60 days divide cubical contents by 422, for more than sixty days divide cubical contents by 380.

Example. Stack measures 17 feet wide, 58 feet long, and 36 feet over. Stack has stood 15 days.

Multiply 17 by 36 equals 612.

Divide 612 by 4 equals 153.

Multiply 153 by length 58 equals 8874 which gives the cubical contents in feet.

Divide 8874 by 512 equals 17 3-10 tons in stack.

CHAPTER XXXV.

AN ACT TO REQUIRE PROBATE CLERKS TO FURNISH BOND.
H. B. No. 123; Approved March 16, 1901.

CONTENTS.

Section 1. Bond to be Furnished within Sixty Days. Judge of the District Court to Approve.

Section 2. Subsequent Clerks to Furnish Bond Within Ten Days.

Section 3. Failure to Furnish Bond Creates Vacancy.

Section 4. County Commissioners Subject to Removal for Failure to Discharge Duties.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That, within sixty days from and after the passage and approval of this act, the several Clerks of the Probate Courts of the Counties within the Territory shall execute a bond made to the Territory of New Mexico, in the sum of five thousand dollars with at least two good and sufficient sureties, to be approved by the Judge of the District Court in their respective counties; which bond shall be conditioned that such officer shall well and truly perform his duties as clerk of the Probate Court, and in like manner perform his duties as Ex-Officio Recorder and Clerk of the Board of County Commissioners of such county.

Section 2. Hereafter, when any person shall be elected to the office of Probate Clerk, within and for any of the counties of this Territory, he shall within ten days after the first day of January next succeeding his election, furnish bond in manner prescribed in the first section of this act.

Section 3. If any Clerk of the Probate Court shall fail to furnish bond in manner as required by the preceding sections of this act, the office shall become vacant, and be so declared by the Board of Commissioners of the County; and [the] Governor of the Territory shall thereupon choose an incumbent to fill such office; and such incumbent so chosen, shall, before entering upon the duties of his office, make and file the bond required by this act.

Section 4. Any county commissioner failing to discharge his duty as required by this act, shall be subject to removal by the Governor of this Territory, who may thereupon appoint such commissioner's successor in office.

Section 5. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after the date of its passage and approval.

CHAPTER XXXVI.

AN ACT TO AMEND SECTION 301 OF THE COMPILED LAWS OF 1897. *H. B. No. 131; Approved March 16, 1901.*

CONTENTS.

Section 1. *Actual Expenses of Feeding Prisoners to be Paid in Full.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 301 of the Compiled Laws of 1897, is hereby amended by adding thereto the following:

Provided, that all the actual expenses for boarding county prisoners shall be paid in full before any bill fees or salaries are paid and before any pro-rate is made, and such expenses may be paid at the expiration of each and every quarter.

Sec. 2. This act shall be in force and take effect from and after its passage.

CHAPTER XXXVII.

AN ACT TO AMEND SECTIONS 4051, 4067 AND 4068 OF THE COMPILED LAWS OF NEW MEXICO, OF 1897. *H. B. No. 145; Approved March 16, 1901.*

CONTENTS.

Section 1. *Assessor to make Tax Roll in Alphabetical Order.*

Section 2. *Collector to make Tax Receipts in Triplicate. Proviso.*

Section 3. *Collector to Apportion Money Collected to Different Funds. Territorial Treasurer to issue Triplicate Receipts.*

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 4051 of the Compiled Laws of New Mexico, of 1897, be and the same is hereby amended so as to read as follows, to-wit:

On or before September 1st, of each year, and after the board of commissioners, sitting as a board of equalization, shall have passed upon the property returns, the assessor of each county of this Territory shall make out a tax roll in alphabetical order, having columns for names of owners; precinct No.; description of each parcel of real estate and of

personal property; description of town lots; name of town or city; value of real estate; value of improvement; total value of land and improvements; value of cattle; number of sheep; total value of personal property; exemptions; value of property subject to special levy or levies; total assessed value; amount of territorial tax; amount of county tax; amount of any special levy or levies made by legal authority; amount of first semi-annual payment of tax; amount of second semi-annual payment of tax; penalty for non-return; total amount of tax. Such tax rolls shall be well and durably bound and made from strong ledger paper.

Section 2. That section 4067 of the Compiled Laws of New Mexico, of 1897, be and the same is hereby amended so as to read as follows, to-wit:

The collector shall, in each case, make out an original, a duplicate and a triplicate tax receipt, the original of which shall be delivered to the taxpayer, the duplicate shall immediately be filed with the probate clerk of his county, and the triplicate shall be retained by the collector in the archives of his office which receipts shall state the time of payment, the description and assessed value of real estate and improvements, and the assessed value of personal property; the amount of tax pertaining respectively to the territory, the county, city or town, and to any special levy or levies that may have been made; the penalty on each and the costs, if any, giving a separate receipt for each year; such triplicate receipts shall be exact fac-similies, one of the other; they shall be bound in well bound books of not more than one hundred sets of triplicates in a book, the original first, the duplicate next and the triplicate last, being so bound together that by inserting carbon sheets between the original and duplicate, and the duplicate and triplicate, copies in duplicate and triplicate will be made at the time of writing the original; they shall be numbered consecutively, commencing each new year's receipts with number One and shall also have printed along side the number, the year for which the receipt is issued in payment of taxes, as a serial number.

The Collector shall make the proper entries of such payment on the collector's tax roll and the collector's cash book. *Provided*, that any person to whom real or personal property may have been assessed and placed on said roll, or any person for him, may pay the taxes due on any subdivision, lot or parcel of land, or personal property, without paying the whole of the taxes due from such person, when the value of such subdivision, lot or parcel of land, or personal property,

can be ascertained from said tax roll, or from the schedule returned to the assessor.

Section 3. That section 4068 of the Compiled Laws of New Mexico, of 1897, be and the same is hereby amended so as to read as follows, to-wit:

On or before the tenth day of every month the collector of each county of this territory, shall apportion to the several funds of his county all moneys by him collected during the last preceding month, pertaining to said county, less the commission allowed him by law, in accordance with the levy made for said funds; and on or before said date he shall make and file a written report with the probate clerk of his county, showing the aggregate amount of money collected by him during said month, on account of property tax, licenses and kind of licenses, fines, forfeited bonds, or from whatever source obtained; also showing the amount on that date apportioned to each of said funds: and he shall apportion to the several territorial funds all moneys collected by him during said month, less the commission allowed him by law, in accordance with the levy made for such funds, and shall pay to the territorial treasurer the aggregate of the amounts so apportioned; and on said date make and transmit a written report to the territorial treasurer, showing the aggregate amount of money collected by him during said month, pertaining to the territory; also showing the amount apportioned to each of the several territorial funds. Triplicate receipts shall be issued by said territorial treasurer for each of such payments, one of which he shall immediately file with the territorial auditor, and the remaining two of which he shall immediately transmit to the collector, one of which said collector shall immediately file with the probate clerk of his county, and the other shall by him be retained and kept in the archives of his office.

Section 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and this act shall be in full force and effect from and after the date of its passage.

CHAPTER XXXVIII.

AN ACT TO CREATE THE COUNTY OF LUNA AND PROVIDE FOR THE GOVERNMENT THEREOF, AND TO READJUST THE BOUNDARIES OF GRANT AND DONA ANA COUNTIES, AND FOR OTHER PURPOSES. *C. S. for C. B. No. 53; Approved March 16, 1901.*

CONTENTS.

- see 4, 1905, p. 199.*
- Section 1. Luna County Created; Boundaries.
 - Section 2. Designation of County Seat.
 - Section 3. Precincts.
 - Section 4. County Officials.
 - Section 5. County of the Fourth Class.
 - Section 6. County Commissioners to Appoint Precinct Officers.
 - Section 7. Taxation and Indebtedness.
 - Section 8. Funding Outstanding Indebtedness.
 - Section 9. Payment of Pro Rata Part of Dona Ana County Indebtedness.
 - Section 10. Issue of Bonds for Court House and Jail Purposes.
 - Section 11. Sale of Bonds for Benefit of Dona Ana County.
 - Section 12. Regulating Bond Issues Provided for by the Act and Providing for the Payment of Interest and Principal.
 - Section 13. Delinquent Taxes.
 - Section 14. County Property.
 - Section 15. Assigning County to Judicial District and Fixing time for Holding Court.
 - Section 16. Legislative District.
 - Section 17. Peace Officers.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That a county, which shall be known as Luna County, is hereby created out of that portion of the Territory of New Mexico included within the following boundaries, as indicated by United States survey, to-wit:—Commencing at the northwest corner of township twenty-one south, range thirteen west of the New Mexico Principal Base and Meridian; thence east, along the north boundary line of township twenty-one south, to the south west corner of township twenty south, range ten west; thence north, along the west boundary line of range ten west, to the northwest corner of township twenty south, range ten west; thence east, along the north boundary line of township twenty south, to the north east corner of township twenty south, range five west; thence south, along the east boundary line of range five west to the International boundary line of the United States and the Be

public of Mexico; thence west, along said International boundary line, to the range line between ranges thirteen and fourteen west; thence north, on said range line between ranges thirteen and fourteen west, to the northwest corner of township twenty-one south, range thirteen west, the place of beginning.

Section 2. That the county seat of said county of Luna shall be established at the town of Deming in said county, and the Board of County Commissioners of said county, to be appointed or elected as hereinafter provided, shall select and designate the most proper and convenient place in said town for the erection of the public buildings of the said county of Luna.

Section 3. The several precincts as they exist in the counties of Grant and Dona Ana at the time of the passage of this act, and within the territory embraced within the limits of said county of Luna, shall constitute the precincts of the county of Luna until changed by lawful authority.

Section 4. It shall be the duty of the Governor of the Territory of New Mexico, on the first day of April, A. D. 1901, to appoint for the said county of Luna the county officers now provided by law for counties in this Territory, and the officers so appointed shall immediately thereafter, qualify and enter upon the discharge of their duties, as such officers. And in the appointment of the members of the Board of County Commissioners of said county of Luna the Governor shall have regard to representation of the several portions or districts of said county, so that the same shall be as nearly as possible equal in proportion to population. The officers so appointed as hereinbefore provided shall serve until the qualification of their successors, who shall be elected at the next general election for such officers, and the Governor shall likewise appoint officers to fill any vacancy caused by the failure of any such appointees to qualify as herein required.

Section 5. That said county so established shall, with reference to salaries of officers, be a county of the fourth class, as such class is defined in and provided for in the act, entitled, "An act to provide for the compensation of county officers and for other purposes," approved March 18, 1897, and the salaries and emoluments of the officers of said county shall be such as are in said act provided for officers of counties belonging to said fourth class.

Section 6. The County Commissioners appointed under this act are authorized and empowered to divide said county of Luna into precincts and districts, and to appoint in each precinct the precinct officers provided by law.

Section 7. Nothing in this act shall be construed to release any of the citizens or property now subject or which may hereafter become subject to taxation within the exterior boundaries of Grant county as the said boundaries existed and were established prior to the passage of this act from being held and made liable for the indebtedness both floating and bonded of said Grant County at the date of the passage of this act, and for the purposes of such debt and the levying of taxes for the payment of such debt and the interest thereon or the funding or refunding thereof said county of Grant shall remain as if this act had never been passed. And the Board of County Commissioners of Grant County is hereby authorized and required to levy annually a tax which shall be assessed and collected by the assessor and collector of Grant and Luna Counties respectively, upon all the citizens and residents and property now subject or which may hereafter become subject to taxation within the exterior boundaries of Grant County, as the same now exist and are established, including all that portion of Luna county which is by this act created out of Grant county: *Provided*, that said tax shall be uniform between Grant county and that portion of Grant county which is hereby created into Luna county, and all moneys so collected by the collector of Luna county upon the levy made by the Board of County Commissioners of Grant county shall be paid to the Treasurer of Grant county by said collector of Luna county on or before the tenth day of each month.

Section 8. That the Board of County Commissioners of Grant county is hereby authorized and empowered to compromise fund and refund the matured and maturing indebtedness evidenced by outstanding bonds, interest coupons, judgments or other lawful outstanding indebtedness of Grant county as the same existed prior to the passage of this act, and said board is hereby authorized and empowered to issue funding or refunding bonds under the laws now or which may be in force at the date when such indebtedness is refunded, pledging all of the taxable property within the exterior boundaries of Grant county as the same existed and were established prior to the passage of this act for the payment of such funding or refunding bonds.

Section 9. On or before the first day of May, 1901, the County Commissioners of Dona Ana County shall cause to be certified to the County of Luna the total amount of the legal indebtedness of said county of Dona Ana less cash on hand, and as soon as the same may be lawfully and finally deter-

mined, the assessed value of the property of Dona Ana County for the year 1900, and said county of Luna shall pay to the said county of Dona Ana such proportion of the indebtedness of said county of Dona Ana, less cash on hand, as the assessed value in 1900 of the property situated in said part thereof hereby included in Luna County, bears to the total assessed valuation of property in Dona Ana County for the year 1900.

Section 10. The said county of Luna may issue bonds for Court House purposes to an amount not exceeding Twenty-five Thousand Dollars, and for jail purposes to an amount not exceeding Five Thousand Dollars, and for current expenses, until taxes are levied and collected, to an amount not exceeding Five Thousand Dollars.

Section 11. That for the purpose of settling the indebtedness due to the county of Dona Ana, the County Commissioners of Luna County shall issue and sell bonds of such county in such amount as may be necessary and until said amount of indebtedness is so paid to the county of Dona Ana the said county of Luna is hereby required to pay to said county of Dona Ana such an amount as will equal the interest upon that proportion of the debt of said county of Dona Ana which it is hereby made obligatory upon the county of Luna to assume and pay, and for such purpose the County Commissioners of Luna county shall levy and cause to be collected an annual tax.

Section 12. All of the bonds issued under the provisions of this act, shall be for the period of twenty years, with the option on the part of Luna county to redeem the same or any part thereof after ten years from issuance. They shall bear interest at not to exceed six per cent. per annum payable semi-annually from their date and have attached thereto coupons for interest, and the principal and interest shall be payable at such place as may be agreed and determined by the Board of County Commissioners. They shall be in amounts of One Hundred Dollars each or in multiples thereof; they shall be lithographed and signed by Chairman of the Board of County Commissioners and the treasurer of said county of Luna and the seal of the county affixed thereto, attested by the clerk of said board, except the coupons thereto attached, to which the lithograph signature of said Chairman and Treasurer alone shall be sufficient, and which bonds shall be in the form as adopted by the Board of County Commissioners. Any of said bonds issued under the terms hereof shall be sold only to the highest bidder for cash at not less than ninety-five per cent. of the par value of the principal thereof after publication of notice for twenty days in a newspaper published in the city and

state of New York, and a newspaper published at Santa Fe, New Mexico, of the time of such sale and the amount of said bonds so to be sold, such bids to be sealed and the County Commissioners to have the right to reject any and all bids if in their opinion a sufficient amount is not bid. And there shall be levied and collected annually by said county, upon all of the taxable property therein, a sufficient tax to pay the interest upon said bonds as the same fall due, and, annually after the year 1908, shall also levy and collect upon said taxable property a tax sufficient to provide a sinking fund adequate for the final redemption of said bonds upon the maturity thereof.

Section 13. On or before the first day of May, 1901, the collectors of the counties of Grant and Dona Ana shall deliver to the County Commissioners of the said County of Luna a list of all the delinquent taxes and also of all taxes which will become due on July, first, 1901, upon property within the limits, or personal property belonging to persons residents [resident] within the limits of the said county of Luna. All of the unassessed and uncollected taxes and licenses upon property or business situate within the boundaries of the counties of Luna, Grant and Dona Ana as hereby created and changed, no matter by which county levied and assessed, shall be collected by the proper officer of the counties of Luna, Grant and Dona Ana, respectively, but that portion thereof levied and assessed previous to the year 1899, shall be paid by the officer collecting the same, less cost of collection, to the county in which the property upon which the same was assessed is now situate, and that portion thereof assessed and levied in 1899 and 1900 shall belong to the counties of Luna, Grant and Dona Ana respectively, and become part, when collected, of the current expense, court and school funds thereof, and there shall be the same right and procedure for the collection thereof as is provided by law for the collection of taxes.

Section 14. All real estate situate within the limits of the county of Luna, as herein prescribed, which has heretofore, been or may hereafter be, purchased by the county of Grant, and the county of Dona Ana, under the provisions of an act entitled, "An act to provide for the assessments and collection of taxes in the Territory of New Mexico," approved, March 1st, 1899, shall from and after the passage of this act be and become the property of the said county of Luna.

Section 15. Said county of Luna is hereby attached to the third judicial district of New Mexico for judicial purposes, and district court for the trial of causes arising under the

laws of the Territory shall be held therein by the judge of said court beginning on the second Monday of June and December of each year, there being a sufficient amount of the court fund in said county therefor, and special terms of said court may be held when convened in accordance with law. The district attorney for the county of Grant shall be the district attorney for the county of Luna until otherwise provided by law, and shall be entitled to a salary from said county of Luna of Three Hundred Dollars per annum, payable quarterly.

Section 16. The said county of Luna, for legislative purposes, shall be attached to said county of Grant until otherwise provided by law.

Section 17. Until the appointment and qualification of the peace officers of said county of Luna, the peace officers of said counties of Grant and Dona Ana shall continue to exercise authority and shall have jurisdiction as heretofore.

Section 18. This act shall take effect immediately after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER XXXIX.

AN ACT ENLARGING THE BOUNDARIES OF M'KINLEY COUNTY AND PROVIDING FOR ITS ISSUING ESTABLISHMENT BONDS, AND FOR OTHER PURPOSES. *C. S. for C. B. No. 93; Approved March 18, 1901.*

CONTENTS.

- Section 1. Boundary Lines.
- Section 2. Adjustment of Indebtedness of Bernalillo and Valencia Counties.
- Section 3. Bonds to be Issued.
- Section 4. Proceeds of Bond Sale to go to Bernalillo County. Tax Levy.
- Section 5. Unpaid Taxes and Licenses.
- Section 6. Adjustment of Debt for New Counties.
- Section 7. Indebtedness due Creditors of Old Counties.
- Section 8. To Pay Proportion of Debt in Cash or Bonds.
- Section 9. Bonds to be Delivered to Commissioners of Old Counties.
- Section 10. Claims of Old Counties to be Approved and Certified to.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The present boundaries of McKinley County, as established by Chapter 19 of the Session Laws of 1899 are hereby enlarged and extended by adding thereto the following territory from the counties of Bernalillo and Valencia, viz:—

Beginning at the point where the Second Standard Parallel North intersects the boundary line between the territories of Arizona and New Mexico; thence north on said line, to the point where the Fifth Standard Parallel North, if projected westward across the Navajo Indian Reservation, would intersect the boundary line between New Mexico and Arizona; thence east along the line of said Fifth Standard Parallel North, to the Northeast corner of Township number Twenty north, Range number five west of the New Mexico Principal Meridian; thence South, along the line between ranges numbers four and five west of the New Mexico Principal Meridian, to the point where it intersects the Third Standard Parallel North; thence West, along said Third Standard Parallel North, to the South east corner of Township number Thirteen North, Range number eight, west, of the New Mexico Principal Meridian; thence North, along the line between ranges numbers seven and eight West, of the New Mexico Principal Meridian, to the corner of sections Thirteen, Eighteen, Nineteen and twenty-four, Township number Thirteen North, Ranges numbers seven and eight West, of the New Mexico Principal Meridian; thence West, along the line between sections Thirteen and Twenty-four, Fourteen and Twenty-three, Fifteen and Twenty-two, Sixteen and Twenty-one, Seventeen and Twenty, and Eighteen and Nineteen, Township number Thirteen North, Range number Eight West, to the point where it intersects the First Guide Meridian West; thence South, along the line of said First Guide Meridian West, to the point where it intersects the Third Standard Parallel North; thence West, on said Third Standard Parallel North, to the North east corner of Township Twelve North, Range Sixteen West, of the New Mexico Principal Meridian; thence south, along the line between Ranges Fifteen and Sixteen West, to the point where it intersects the Second Standard Parallel North; thence West, along said Second Standard Parallel North, to the point of beginning.

Section 2. It shall be the duty of the Auditor, Treasurer and Solicitor General of the Territory, to assemble as a commission for that purpose, and ascertain, on or before the first day of June, A. D., 1901, the total indebtedness of Bernalillo County from which McKinley County is segregated, less cash on hand to meet such indebtedness, and less the value of all permanent public improvements remaining in Bernalillo County, and also ascertain from the assessment rolls for the year 1900 the value of all taxable property embraced within the limits of McKinley County, so taken from Bernalillo County; and thereupon to determine the amount of such indebted-

ness that may be due from McKinley County to Bernalillo County, less the amount of cash on hand to meet such indebtedness, as such conditions existed on the first day of January, A. D., 1901; and the amount so found to be due from McKinley County to Bernalillo County, by said commission, shall be final, and conclusive on both counties; and the county of Valencia shall make no claim against the county of McKinley on account of its bonded or other debt. And all delinquent taxes assessed prior to the year A. D., 1900, upon the persons, citizens and taxable property of that part of Valencia County embraced, by the provisions of this act, in McKinley County, shall go to and be the property of McKinley County; and all taxes, delinquent and otherwise, so assessed as aforesaid during the year A. D., 1900, shall be and remain the property of Valencia County.

Section 3. For the purpose of enabling McKinley County to pay to Bernalillo County the amount of its obligation and debt as found and ascertained by the commission provided for in section two of this act, the Board of County Commissioners of McKinley County is hereby authorized and directed to issue its coupon bonds of that county, which shall bear interest at the rate of five per cent. per annum, evidenced by coupon bonds, payable semi-annually; such bonds shall be payable absolutely twenty years from their date, and at the option of said county after five years from their date. They shall be in sums of one hundred dollars, or some multiple thereof; they shall be signed by the Chairman of the Board of County Commissioners, countersigned by the clerk of said Board, attested by its seal, and endorsed by the Treasurer of the County, and shall be in form to be approved by the District Attorney of the Second Judicial District.

Section 4. Such bonds may be sold for cash, at not less than par, and the proceeds turned over to said County of Bernalillo in full settlement of said debt; and if such sale cannot be made by the first day of July, A. D., 1901, then and in that case the said bonds and coupons attached shall be turned over to Bernalillo County in full settlement of said debt. And it shall be the duty of the Board of County Commissioners of McKinley County to annually levy a tax sufficient to pay the interest coupons coming due semi-annually upon said bonds, and in addition a sufficient amount to create a sinking fund to pay said bonds when they become due. Said bonds shall be the first issued by said McKinley County, and the levy for the payment of interest and to create a sinking fund shall be the first made, and such bonds shall be known and designated as "McKinley County Establishment Bonds." Such bonds shall

be dated the first day of July, 1901, and the coupons due and payable semi-annually thereafter. The debt ascertained to be due from McKinley to Bernalillo County on the first day of January, A. D., 1901, shall bear interest at the rate of six per cent. per annum from that date until the payment of the same in cash or the taking of the bonds above provided for; and this amount of interest shall be added to the debt evidenced by the issuance of said bonds, and be included therein; and from January, first, 1901, the one per cent. additional interest down to July, first, 1901, shall be considered and treated as a current expense of McKinley County, and paid as such.

Section 5. McKinley County shall be entitled to have and receive from the County of Bernalillo all unpaid taxes for the year 1900, which taxes have been levied and assessed upon or against property within the former limits of Bernalillo County, and which by the act creating McKinley County, and by this act, were set off from Bernalillo and became a portion of McKinley County; and the treasurer and collector of said McKinley County shall collect and receipt for the same to the same extent as the treasurer of Bernalillo County might have done had said property remained within the limits of that county. And McKinley County shall be entitled to, and shall receive from Bernalillo County, such proportion of the moneys received from licenses issued by Bernalillo County, in force in McKinley County during any part of the year 1901, as such unexpired term of each such license may bear to the whole term for which such license was issued. And all taxes already collected and paid into Bernalillo County for the year 1900, upon the persons and property situated within the limits and boundaries of McKinley County, shall be credited upon the proportion of Bernalillo County debt assumed and to be paid by McKinley County; and all penalties or interest accrued upon taxes due upon such property within the limits and boundaries of McKinley County for the year 1900, are hereby remitted, and shall not be charged upon such taxes now due for the year 1900.

Section 6. Whenever any new county has heretofore or shall hereafter be created out of territory composing a part of old counties, and which by law shall be required to assume and pay any part of the indebtedness of the old or original counties, from which territory has been or may be taken to form the new county, the share of the indebtedness to be assumed by the new county shall be determined according to the provisions of this act.

Section 7. All indebtedness due to creditors of the old county, which has not been paid or funded into bonds under

the provisions of some previous act of the Legislature, shall be determined and fixed by judgment of a court of record, or order of the Board of County Commissioners of the old or original county, and when so determined and certified by judgment of court, or approval of the Board of County Commissioners, such judgment or approval certified according to law shall be received by the Board of County Commissioners of the new county as conclusive evidence of the indebtedness due such officer or creditor of the old county.

Section 8. The new county shall be required to pay its proportionate share of such indebtedness in cash, or to issue bonds in payment of the same.

Section 9. If such new county is unable to pay such indebtedness in cash, and elects to issue bonds in payment of the same, the Board of County Commissioners thereof shall issue bonds and deliver the same to the Board of County Commissioners of the old county, to be by them delivered to such creditors and officers of the old county.

Section 10. The Board of County Commissioners of the old or original county shall approve and certify as such indebtedness, all claims for services rendered by any officer or employee, or for any supplies furnished to such old county in good faith, any law heretofore passed to the contrary notwithstanding.

Section 11. This act shall be in force from and after its passage; and all acts and parts of acts in conflict herewith are hereby repealed and section nine (9) of Chapter 19 of the Session Laws of 1899 is hereby repealed.

CHAPTER XL.

AN ACT ENTITLED AN ACT RELATING TO PUBLIC HIGHWAYS
AND PROVIDING FOR THE MAINTENANCE OF THE SAME.
S. S. C. for H. B. No. 151; Approved March 18, 1901.

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- Section 1. Male Persons to Labor on Public Highways. Provisos.
- Section 2. County Commissioners to Appoint Road Supervisors. Qualifications. Proviso.
- Section 3. Probate Clerk to Notify Supervisors of Appointment. Form of Oath.
- Section 4. Supervisors to Give Bond.
- Section 5. Chairman of Board of County Commissioners to Fill Vacancies.
- Sections 6, 7 and 8. Duties of Supervisors.
- Section 9. Compensation of Supervisors.
- Section 10. When Roads are to be Worked.
- Section 11. Notice to be Given.
- Section 12. To Furnish Tools.
- Section 13. Penalty.
- Section 14. Workmen to be Dismissed.
- Section 15. Supervisors to File Complaint.
- Section 16. Justices of the Peace to Issue Warrants.
- Section 17. Supervisors to Issue and require Receipts.
- Section 18. Disposition of Money Collected.
- Section 19. Teams may be Used.
- Section 20. Municipal Corporations to Control.
- Section 21. Law to be Printed and Sent to Probate Clerks.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That all able-bodied male persons in the Territory of New Mexico between the ages of twenty-one and sixty years, shall be required to perform labor upon the public roads and highways as herein provided, for any number of days required by the Road Supervisor of their respective precincts, not less than two days nor to exceed five days of eight hours each in any one year. *Provided*, that any person subject to labor upon public roads may pay to the road supervisor of the precinct, one dollar per day, for each day such person is required by the road supervisor to perform such labor, in lieu thereof, or instead may furnish an able-bodied substitute to perform such required labor. *Provided, further*, that any person or persons desiring to pay money in lieu of work as provided in this section shall do so within ten days after he has been notified to perform such labor.

Sec. 2. The Boards of County Commissioners in each county of this territory shall, at their regular January meet-

ing in each year, appoint some resident person in each precinct of their respective counties to serve as road supervisor for the current year; such person shall be a freeholder in the precinct, subject to road duty, and of good moral character, and shall under the directions and control of the Board of County Commissioners superintend and manage the road work in his precinct. *Provided* the several Boards of County Commissioners shall at their first regular meeting after the passage of this act, appoint road supervisors in the several precincts of their counties, who shall hold their offices until the regular appointments provided for in the preceding part of this section are made.

Sec. 3. The probate clerk shall, as soon as such road supervisors are appointed, issue under his official seal and mail or send to each of such persons so appointed as road supervisors, a duly executed certificate of such appointment, and shall also send to each of such persons an affidavit, to be by them subscribed and sworn to before some officer authorized by law to administer oaths, which affidavit shall be substantially in the following form:

Territory (or State) of New Mexico

County of

I..... do solemnly swear that I will perform the duties of Road Supervisor of Precinct No..... in the County of Territory (or State) of New Mexico faithfully, impartially and to the best of my ability, so help me God.

Sworn and subscribed to before me this.....day of 19.....

Sec. 4. Any person appointed road supervisor, shall as soon as he receives the certificate of his appointment make the affidavit required in the next preceding section, and return the same to the probate clerk of the county together with a good and sufficient bond in the sum of two hundred dollars, conditioned for the faithful and impartial discharge of the duties of his office, and that he will keep and render a just and correct account of all moneys received by him and in what manner disposed of as such road supervisor, which bond when approved by the Board of County Commissioners shall be filed together with the affidavit by the probate clerk in his office.

Sec. 5. If any person appointed as road supervisor shall fail or refuse to comply with section four of this act within twenty days after notice of his appointment is received by him, the probate clerk shall at once notify the chairman of the Board of County Commissioners, who shall appoint some other suitable person to act as such road supervisor. When any

road supervisor desires to surrender his office he shall notify the Board of County Commissioners that he will no longer act as such, which notice may at any time be sent to the probate clerk of the county not less than twenty days before his resignation is to take effect, and the probate clerk shall at once notify the chairman of the Board of County Commissioners, who shall appoint a road supervisor in such precinct, and the Board of County Commissioners may at its next regular meeting ratify and confirm appointments made in pursuance of this section by the chairman out of term, and it shall not be necessary for such road supervisor to again qualify and to be again notified of his appointment.

Sec. 6. It shall be the duty of each road supervisor to make a list of all persons in his precinct subject to labor on the public roads and highways, in a book furnished for the purpose by the probate clerk at the expense of the county, in which he shall also keep a record of all his acts and transactions as such road supervisor.

Sec. 7. All road supervisors shall keep accounts with each person subject to labor on the public roads and highways in their respective precincts, so as to show the work performed or the amount in cash paid by each of said persons in any one year, and the same shall at all reasonable times be subject to the inspection of such persons, and they shall give receipts for all moneys received by them as such road supervisors, as well as for all labor performed.

Sec. 8. The road supervisor of each precinct shall by the first day of January of each year file with the probate clerk of their respective counties a full statement and account of the labor performed on the public roads of their respective precincts, and the moneys paid in lieu of labor, and a statement of all moneys paid out by them, and for what purpose expended; and any balance of road funds held by any road supervisor at the time of making such report shall be by him paid over to the county treasurer to be covered into the road fund, of the precinct of said supervisor.

Any road supervisor who shall resign his office before the expiration of the term for which he was appointed shall be required to make the report and turn over any funds in his hands as such road supervisor as provided in this section at the time of tendering his resignation.

Sec. 9. Road supervisors shall be entitled to receive as compensation for their services the sum of one dollar and fifty cents per day for each day engaged in working the roads, and a sum of one dollar per day for each day employed in summoning persons to work upon roads, which compensation they

shall retain out of any road funds that may come into their hands, or the same may be paid out of the road fund of the county upon the order of the commissioner's court. *Provided*, that no road supervisor shall be paid more than fifty dollars in any one year for such services.

Sec. 10. Whenever the road supervisor shall deem it necessary to work the roads in his precinct he shall call out the number of men that he may think necessary, and that can work to advantage, to perform such labor, and he shall order work done only when and where such work is necessary; and shall under no circumstances call men out to work on any road if the condition of the same does not require it.

Sec. 11. Road supervisors shall give three days' notice to persons subject to perform labor on the roads of his precinct, of the time and place such labor is to be performed, which notice shall be given in person by such road supervisor, or by some other person, or persons authorized by him, or by leaving a notice in writing at the usual place of residence of such person or persons, with some member of his or their family who is over ten years of age, or if no member of his or their family be found by posting such notice upon the door of the dwelling of such person or persons; and such notice shall be sufficient to all persons subject to such road labor, of the time and place that such labor is required to be performed. Any person serving notice as provided in this section under the direction of the road supervisor, shall be exempt from road duty as many days as he is so engaged in serving said notices.

Sec. 12. Each person summoned to work on a road shall take with him an ax, hoe, pick, spade or such other tool as may be desired by the road supervisor, or if he have no such tool as he is desired and directed by the road supervisor to take with him, he shall take such other suitable tool as he may have.

Sec. 13. Any person subject to road labor upon any of the public roads of this territory, after being duly notified of the time and place such work or labor is required to be performed, as provided in section eleven who shall wilfully and intentionally fail or refuse to perform such labor, or to pay one dollar for each day's labor required of him by the road supervisor of his precinct, and who shall not have furnished a substitute as provided in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the justice of the peace of his precinct, or if there be no justice of the peace in his precinct, any justice of the peace of the county, shall be fined in any sum not more than five dollars.

Sec. 14. Road Supervisors shall dismiss from the road, hand or hands, whether working for themselves or as substitutes for others, who shall fail to do good and efficient work, or who shall hinder other hands from doing their work, properly, or dismiss any hand who may be intoxicated, or who shall refuse to obey any reasonable order of the supervisor: And the supervisor shall proceed against such hand or hands so dismissed in the same manner as if they had refused to obey the summons to work upon the road.

Sec. 15. Within ten days after any road is worked under the provisions of this act it shall be the duty of the road supervisor to file a complaint in writing with the justice of the peace of his precinct, or if there be no justice of the peace in his precinct, with any justice of the peace of his county, containing the name or names of the person or persons who failed or refused to perform the labor, required of him or them on the public road in his precinct, after having been duly notified to do so, and who have failed to pay the amount required by this act to be paid to such road supervisor in lieu of such work, and who did not furnish a substitute as provided by this act; which statement shall be subscribed and sworn to by such road supervisor.

Sec. 16. It shall be the duty of any justice of the peace with whom the affidavit or complaint provided for in the next preceding section is filed, to issue warrants upon the same, and cause the person or persons named therein, to be arrested and brought before him for trial and to proceed to try said causes in all respects as in other cases of misdemeanor, and all fines collected by virtue of this act shall be paid into the road fund of the said precinct.

Sec. 17. Road supervisors shall give receipts for all moneys paid to them, and shall take receipts for all moneys paid out by them as such officers, and shall file and preserve all receipts taken, and shall turn over the same with the records of their office to their successors.

Sec. 18. Road supervisors shall apply all moneys coming into their hands as such road supervisors to the improvement of their roads in an impartial manner, by repairing or building bridges; hiring hands or teams to work on the road or in such other manner as he may deem best.

Sec. 19. The road supervisor is hereby authorized and empowered to order out such teams as he may deem necessary, and for each day any team and driver shall be so employed, the supervisor shall credit the person furnishing the same with three days' labor, and for such team without driver, two days.

Sec. 20. That within the limits of all cities, towns and villages in this territory the governing bodies of said cities towns and villages shall have all the powers and perform all the duties by this act conferred on the Boards of County Commissioners of counties, and supervisors appointed by said governing bodies shall superintend and manage the work on the roads and streets within the limits of the city, town or village for which he is appointed in the same manner as supervisors of precincts.

Sec. 21. That the Secretary of the Territory of New Mexico shall cause to have printed by the public printer one thousand copies, in pamphlet form, of this law in each the Spanish and English languages to be paid for out of any funds in the hands of the Territorial Treasurer. The Secretary of the Territory shall forward to the county probate clerk of each county a like number of said copies in the desired language, as there are precincts in each county. The probate clerk shall furnish each road supervisor in his county with a copy of this law in English or Spanish as may be desired.

Sec. 22. That sections 1831, 1832, 1833 and 1834 of the Compiled Laws of New Mexico of 1897, and all other laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Sec. 23. This act shall be in full force and effect from and after its passage.

CHAPTER XLI.

AN ACT TO ENABLE COUNTIES TO COMPROMISE AND REFUND
THEIR BONDED INDEBTEDNESS. *C. B. No. 66; Approved
March 18, 1901.*

CONTENTS.

- Section 1. Counties Empowered to Compromise and Adjust Outstanding Indebtedness.
Section 2. Refunding Bonds May be Issued. Proviso.
Section 3. Form of Refunding Bonds.
Section 4. Provision for the Payment of Interest. Special Fund Constituted. Penalty.
Section 5. Penalty for Neglect or Refusal to Levy or Collect Interest Fund.
Section 6. Interest Coupons shall be Received in Payment of Taxes.
Section 7. Sinking Fund Provided.
Section 8. Bonds Issued to be Registered. County Commissioners to Burn Bonds and Coupons. Judgments to be Satisfied.
Section 9. Section 29, Chapter 58, Session Laws of 1899, Regarding the Issuance of Bonds, Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The Boards of County Commissioners of the several counties of the Territory of New Mexico, in which the bonded indebtedness now issued and outstanding, is in excess of fifteen per cent. of the taxable property of such county, according to the assessed valuation for the year 1900, are hereby authorized and empowered to compromise and adjust the existing legal bonded indebtedness of their counties, together with the past due and unpaid coupons thereon, the interest on such coupons, and any judgments recovered for such past-due coupons and interests thereon, or any part thereof, whenever the owners of such indebtedness may consent and agree to such compromise and agreement.

Section 2. Whenever an arrangement of the indebtedness mentioned in Section 1 of this act shall have been effected by and between the Board of County Commissioners of any county and the owner of such indebtedness, or any portion thereof, by which it is mutually agreed by and between the parties to surrender the existing indebtedness of the class specified in Section 1, and to receive therefor bonds of the county for a less sum than the indebtedness surrendered, the Board of County Commissioners shall be and is hereby authorized to issue such bonds and to exchange them for the indebtedness specified in Section 1: *Provided*; that the compromise and adjustment which can be made with the owners

of such indebtedness are, in the judgment of the Board of County Commissioners, of sufficient benefit to the county to warrant such exchange and surrender of the existing indebtedness.

Section 3. The bonds to be issued in exchange for the indebtedness specified in Section 1, shall be in the usual form of coupon bonds, shall be dated the first day of September of the year in which they are issued, shall be in denominations of One Thousand Dollars or multiples thereof, shall be signed by the Chairman of the Board of County Commissioners and the Clerk of the Probate Court; and the coupons may have the printed or lithographed fac-simile signature of the County Treasurer; shall be numbered consecutively in each denomination, shall be payable in any lawful money of the United States, forty years after date, with the option to the county to pay them at any time after twenty-five years from their date, shall bear interest payable semi-annually, on the first days of March and September, at a rate not exceeding five per centum per annum, the principal and interest to be payable at such bank in the City of New York in the State of New York, as may be designated on the face of the bond and coupon, and shall be known and styled, "General County Refunding Bonds of the County of Territory of New Mexico."

Section 4. Due and sufficient provision for the payment of the interest semi-annually accruing on all bonds to be issued under this act shall be made in each and every year by the authorities authorized by law to assess and levy taxes in any county concerned, and, in case of failure to make such due and sufficient provision in any general tax levy, such authorities shall immediately make a special tax levy adequate for such provision; and, in case of failure on the part of any officer or authorities legally and adequately to assess property and levy and collect taxes for the payment of such interest, according to the intent of this section, the district court in and for the said county, either in term time or in vacation, shall nominate and authorize some person or persons to discharge such neglected or unperformed duty or duties, and shall immediately enforce the performance thereof; and all taxes collected for the payment of such interest shall constitute a special fund, and not be diverted to any other purpose; and any officer misappropriating or diverting such fund or any part thereof, or any taxes collected for such purpose, shall be deemed guilty of a misdemeanor, and shall be punished by a fine equal to the amount so misappropriated or diverted, and by imprisonment in the Territorial Penitentiary

for a period of not less than one year nor more than ten years, and shall forever forfeit the right to hold office under the laws of this Territory.

Section 5. Any officer who shall wilfully or against his duty refuse to levy, collect, or pay over the interest moneys provided for in Section 4, hereof, or any part of such moneys, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Thousand Dollars, and by imprisonment in the Territorial Penitentiary, for a period of one year, and his conviction of such misdemeanor shall immediately forfeit and vacate his office. The official bond of every officer upon whom a fine shall be imposed under any provision of this act, shall be collateral security for the payment of such fine and the costs of prosecution.

Section 6. The said interest coupons when past due and unpaid shall be payable and receivable in lieu of cash from the holder and owner of said coupons for like amount in payment of any taxes due by said holder and owner of said coupons, and pertaining to the treasury of the county issuing such bonds.

Section 7. Beginning with the twenty-fourth year after the date of such bonds, and annually thereafter until all bonds to be issued hereunder shall be paid, or until money for that purpose shall have been provided, the proper authorities of such county concerned shall provide a sinking fund for such payment and to that end shall levy a tax equal to at least seven per centum and not more than fourteen per centum of the amount of such bonds and to be sufficient to pay and retire seven per centum of the total issue of such bonds during each year, after the said bonds have been outstanding for the period of twenty-five years, for the term of fifteen years; and shall apply the proceeds of such tax to the payment of such bonds as soon as the twenty-five year option therein allows them to do so.

Section 8. All bonds issued under the provisions of this act shall be duly recorded by the Probate Clerk of the county, with full details of the indebtedness in exchange for which the same were issued, and shall also be registered by the county Treasurer in the county bond register, and the fact of such registration shall appear on the bonds over the signature of the County Treasurer; and the bonds and coupons for which the refunded bonds herein provided for shall be issued, shall be immediately destroyed by burning, by such Board of County Commissioners, at the time of issuance of the bonds in exchange therefor, under this act; and any judgment mentioned in Section 1, hereof, for which bonds may be issued

under this act, shall be satisfied of record immediately and at the time of the issuance of bonds in exchange therefor, under this act.

Section 9. That Section 29, Chapter 58, Session Laws of 1899 be and the same is hereby repealed.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER XLII.

AN ACT IN RELATION TO THE INSPECTION OF ANIMALS AND FOR OTHER PURPOSES. *C. B. No. 42; Approved March 18, 1901.*

CONTENTS.

Section 1. Live Stock must be Inspected Before Removal from Territory. Fees. Penalties.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Hereafter no horses, mules or asses, except those in actual use as work, draft, driving, or saddle animals, or for use on round ups, shall be removed from this Territory without having first been duly inspected and released by a regularly authorized inspector of the Cattle Sanitary Board of New Mexico. The manner of the inspection herein required, the procedure; duties and records pertaining thereto of the Cattle Sanitary Board of New Mexico, and of the official inspectors of said board shall be the same as is now provided by law for the inspectors of cattle. The fee for such inspection of both horses and cattle, shall be three cents per head for every animal either shipped or driven, and for any violation of the provisions of this act, the same punishment shall be inflicted and the same penalties shall accrue as provided in Section 219 of the Compiled Laws of this Territory for the year 1897.

Section 2. This act shall take effect and be in force from and after its passage

CHAPTER XLIII.

AN ACT FOR THE PROTECTION OF CHILDREN AND OTHERS ATTENDING THE PUBLIC SCHOOLS OR OTHER EDUCATIONAL INSTITUTIONS IN THE TERRITORY OF NEW MEXICO. *C. B. No. 50; Approved March 18, 1901.*

CONTENTS.

- Section 1. Persons afflicted with Tuberculosis not to be Employed as Teachers.
Sections 2 and 3. Certification of Good Health Required.
Section 4. Fee for Certificate.
Section 5. Complaint may be Filed. Teachers may be Discharged.
Section 6. Penalty for Failure of Officials to Discharge their Duties.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. No person shall be employed as a school teacher, instructor or professor in any public school or other educational institutions, in the Territory of New Mexico, supported in whole or in part by revenues derived from taxes paid into the public treasury by the taxpayers of this territory, who shall be afflicted with the disease called tuberculosis, commonly known as consumption, in a transmissible form.

Section 2. Before any person shall be employed as a school teacher, instructor or professor in any public school or other educational institution in this territory, he shall file with the governing authorities of the school district, board of education, board of regents or other governing educational body of any university or college, a certificate from a regular physician, who shall be named by the President of the Territorial Board of Health, that the said person is not at the time of the examination to be made by said physician, afflicted with the said disease called tuberculosis, commonly known as consumption as hereinbefore defined.

Section 3. Any and all persons now employed as school teachers, instructors or professors in any public school or other educational institution in this territory shall, within thirty days from and after the passage and approval of this act, obtain and present to the governing authorities of the school district, board of education, board of regents or other governing educational body of any university or college, in which such person shall be employed, a certificate from a regular physician so to be named by the President of the Territorial Board of Health that the said person is not at the time of the examina-

tion to be made within said thirty days by said physician, afflicted with the said disease called tuberculosis, commonly known as consumption, as hereinbefore defined and any such person failing to obtain and file the said certificate as herein provided within the time herein specified shall be forthwith discharged as such school teacher, instructor or professor by the authorities provided by law for the employment and release and discharge of persons employed as school teachers, instructors or professors in the public schools or other educational institutions of this territory.

Section 4. For the making of the examination provided for in this act and for the making of the certificate hereby provided for, the physician making the same shall charge a fee of two dollars and no more.

Section 5. If at any time there shall be lodged with the governing authorities of any school district, board of education, board of regents or other governing educational body, a complaint signed by any taxpayer of this territory, setting forth that in his opinion any school teacher, instructor or professor is afflicted with the disease known as tuberculosis, commonly called consumption, as hereinbefore defined such governing authorities, board of education, board of regents or other educational body shall forthwith require such person so claimed to be afflicted with tuberculosis, to submit to an examination by a physician to be named by the President of the Territorial Board of Health, and unless such person shall within ten days thereafter file with the school authorities a certificate from such physician, that he is not afflicted with the disease commonly known as tuberculosis or consumption, such person shall be forthwith discharged from employment as such teacher, instructor or professor, and no warrant or order for any salary or wages to any such person, shall be paid by any school or other treasurer until such certificate shall have been obtained and filed as provided for in this section.

Section 6. Any person holding any office administrative or otherwise connected with the public schools or educational institutions of this territory or any county, city or other municipality thereof, who shall refuse to perform or neglect to perform the duties prescribed for him by the provisions of this act, shall, upon complaint duly filed with the Governor of this Territory, and duly substantiated to the satisfaction of said Governor, be forthwith removed from office by the Governor.

Section 7. This act shall take effect and be in force from and after the passage thereof.

CHAPTER XLIV.

AN ACT TO AUTHORIZE THE REFUNDING OF THE BONDED INDEBTEDNESS OF COUNTIES AND MUNICIPALITIES IN THE TERRITORY OF NEW MEXICO. *C. B. No. 108; Approved March 19, 1901.*

CONTENTS.

- Section 1. Section 13, Chapter 58, Laws of 1899, Regarding Refunding of Indebtedness, Amended.
 Section 2. Form of New Bonds.
 Section 3. Maturity and Rate of Interest.
 Section 4. Judgments to be Funded.
 Section 5. Municipal Corporations may Issue Refunding Bonds.
 Section 6. Form of Municipal Bonds.
 Section 7. "Bateman Law" Not Invalidated.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 13 of Chapter 58 of the acts of the Thirty-third session of the Legislative Assembly of the Territory of New Mexico, approved March 16th, 1899, be and the same is hereby amended by striking therefrom the words commencing on the fourth line of said section as follows, to-wit: "Or other lawful outstanding indebtedness hereinafter mentioned" and by adding the word, to-wit; "and" before the word "judgments" in said line four.

Section 2. That section 14 of said chapter 58, be and the same is hereby amended so as to read as follows: Section 14. Such new bonds so issued by any such counties, under the provisions of this act shall be known and styled General County Refunding Bonds of the County of....., Territory of New Mexico, and shall be issued in amounts of One Hundred Dollars, (\$100.00) or multiples thereof. They shall be payable in any lawful money of the United States, which shall be specified therein, and they shall be in negotiable form, and shall carry a binding recital that they are issued under this act, and that the terms and conditions thereof have been fully complied with by the authorities concerned in their issuance, and each issue thereof, for any one amount shall be in uniform wording and numbered consecutively, beginning with number one (1). Such bonds shall be in form and made payable, both principal and interest at such place or bank as may be agreed upon, between the authorities issuing said bonds and the holder, party or parties taking or receiving the same, and in the absence of such agreement at such place or

bank, as may be determined by said authorities issuing said bonds.

Section 3. That section 15 of said chapter 58, be and the same is hereby amended to read as follows, to-wit: Section 15. Said county bonds shall be absolutely due and payable in thirty years and bear interest at the rate to be fixed by the county issuing the same, but which shall in no case exceed five per cent. per annum, payable semi-annually on the first day of March and the first day of September, in each and every year until the date of the redemption thereof, which interest shall be represented by coupons thereto attached; each coupon shall be in substance and in form as may be agreed upon, between the authorities issuing the bonds and the holder, party or parties taking or receiving the same, and in the absence of such agreement, in such form as may be determined by said authorities issuing the said bonds, and bear the same number as the bond to which they are attached, and such bonds shall be redeemable at the option of the county issuing the same, on and after twenty years from the date of their issuance, respectively, according to the priority of the number thereof. Said county bonds shall be signed by the chairman of the Board of County Commissioners, and countersigned by the Treasurer of the County issuing the same and the seal of the county for which the same are so issued shall be thereto affixed, attested by the clerk of said county. The lithographic signature of the Treasurer of said county, shall appear upon the coupon attached thereto, and such bond shall also be issued upon the surrender and delivery by the legal owner, holder or his agent of the outstanding bonds and interest coupons in lieu of which the same are so issued and also upon the satisfaction of the judgments for which bonds are by this act exchanged.

Section 4. That section 22 of chapter 58 of the acts of the 33rd Legislative Assembly be amended by adding thereto, *Provided*; that any indebtedness which has been reduced to judgment, prior to the issuance of said bonds, shall be so funded, without regard to the time when the debt was contracted.

Section 5. That section 23 of Chapter 58, be and the same is hereby amended so as to read as follows, to-wit: Section 23. That at any time when any judgment is outstanding, or any outstanding bond or bonds of any county, city, village, school district or any municipality of this territory, may become redeemable at the option of such county, city, town, village, school district or other municipality by the provisions thereof, the holder or holders of which fail, refuse or neglect to surrender the same under the provisions of this act, then it shall

be lawful for any such county, city, town, village, school district or other municipality to issue bonds hereunder, and dispose of the same at not less than ninety-five per cent. of the par value thereof, if the interest be fixed to exceed four per cent. per annum, and not exceeding five per cent. and not less than ninety per cent. of the par value thereof, if the interest shall be fixed at four per cent. per annum or less, and out of the proceeds thereof pay, satisfy and take up any such outstanding judgment, bonds or coupons, or any portion thereof, that may bear a higher rate of interest than herein provided; and all outstanding bonds so taken up shall be burned and destroyed in the manner provided by this act, and said judgments at the time of payment shall be properly satisfied of record by the parties having the right so to do. Bonds issued under the provisions of this section, shall not in any event be construed as creating any new or additional indebtedness.

Section 6. That section 24 of said Chapter 58, be and the same is hereby amended so as to read as follows, to-wit: Section 24. Such new bonds so issued by any city, town or village under the provisions of this act, shall be known and styled General Refunding Bonds of _____, naming such municipality, in county of _____, naming such county, Territory of New Mexico, and shall be issued in amounts of One Hundred Dollars or multiples thereof, and under such conditions as provided for in section 14 of said act, as amended by this act. Such city, town or village bonds shall be absolutely due and payable and bear the same rate of interest as is provided hereinbefore, that is to say, not exceeding five per cent. per annum, when said bonds are exchanged, and the rates provided for in section 23 as amended, when said bonds are sold; such city, town or village bonds shall have interest coupons thereto attached in the same manner as provided for interest coupons on county bonds issued hereunder, and shall be in substance and form, as may be agreed upon between the authorities issuing said bonds and the holder, party or parties taking or receiving the same, and in the absence of such agreement in such form as may be determined by said authorities issuing said bonds. Said city, village or town bonds shall be signed by the mayor or other presiding officer of such town, city or village, and countersigned by the Treasurer of the town, city or village issuing the same and the seal of the city, town or village for which the same are so issued shall be thereto affixed, attested by the clerk of said city, town or village; the lithographic signature of the Treasurer of the said city, town or village shall appear

upon the coupons attached thereto. Such bonds shall also be issued upon the surrender and delivery by the legal owner, holder or his agent of the bonds in lieu of which the same are so issued, and also upon the satisfaction of judgments for the payment and funding of which new bonds are authorized by this act to be issued.

Section 7. Nothing in this act shall be construed to validate, revive or legalize any indebtedness declared void or prohibited, by Chapter 42 of the laws of 1897, commonly known as the Bateman Law, but all such claims or demands, in whatever form, shall remain under the provisions of said act, which is hereby recognized as in full force and effect. *see this Chap. 42 of 1897*

Section 8. All acts and parts of acts in conflict with this act are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER XLV.

AN ACT RELATIVE TO THE PEDDLING OF MEATS, AND FOR OTHER PURPOSES. *C. B. No. 47; Approved March 19, 1901.*

CONTENTS.

Section 1. License must be Procured.

Section 2. Penalty.

Section 3. Hides must be Inspected Before Shipment. Fee for Inspection.

Section 4. Penalty.

Section 5. Section 92, Compiled Laws of 1897, Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Any person or persons hereafter engaging in the business of peddling beef in this territory, shall first obtain from the authority provided by law for the issue thereof a peddler's license to carry on such business, and shall pay therefor the sum of Two Hundred and Fifty Dollars, said payment to be made annually in advance, and which said license fee when collected, shall be covered into the Wild Animal Bounty Fund of the County, wherein said sum shall be paid and collected. This act shall not apply to any person who may sell or otherwise dispose of any beef killed in good faith, for his own use and this act is intended to apply only to such persons as make a business of peddling.

Section 2. Any person found peddling beef without first

having obtained the license provided for in Section 1 of this act, shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for not less than three months nor more than six months, or, by both such fine and imprisonment and the violation of any of the provisions of this act shall constitute a separate offense for each day that such provisions are violated.

Section 3. Hereafter it shall be unlawful for any person, firm or corporation to offer, or for any rail-road company, or other common carrier to receive, for the purpose of shipment or transportation beyond the limits of this territory, any hides that have not been inspected and tagged by a duly authorized inspector of the Cattle Sanitary Board of New Mexico, for the district in which such hides originate. For each hide thus inspected there shall be paid by the owner or holder thereof, a fee or charge of ten cents, and such fee or charge shall be a lien upon the hides thus inspected, until the same shall have been paid. Each inspector of hides shall keep a complete record of all inspections made by him, and shall at once forward to the Secretary of the Cattle Sanitary Board, on blanks furnished him for that purpose, a complete report of each inspection, giving the names of the purchaser and shipper of the hides, as well as all the brands thereon, which said report shall be preserved by the secretary as a part of the records of his office.

Section 4. Any person, firm or corporation, common carrier, railroad company or agent thereof, violating any of the provisions of this act, or refusing to permit the inspection of any hides as herein provided, shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding One Thousand Dollars for each and every violation of the provisions of this act.

Section 5. Section 92 of the Compiled Laws of 1897 is hereby repealed.

Section 6. This act shall take effect and be in force from and after its passage.

CHAPTER XLVI. *Repealed L. 1905, p. 99.*

AN ACT FOR THE PROTECTION OF ELK, DEER, ANTELOPE AND MOUNTAIN SHEEP IN THE TERRITORY OF NEW MEXICO. C. B. No. 12; *Approved March 19, 1901.*

CONTENTS.

Section 1. Unlawful to Kill or Injure Elk, Deer, Antelope, or Mountain Sheep.

Section 2. Penalty.

Section 3. Provisions Apply to Indians.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. After the passage of this act for a period of five years, thereafter, it shall be unlawful to kill or in any wise destroy or injure any elk, deer, antelope, or mountain sheep in the Territory of New Mexico, except upon private ground or property by the owner or lessee thereof, or with his permission.

Section 2. Any person or persons violating the provisions of this act shall be punished by any court before whom complaint may be made, by a fine not to exceed One Hundred Dollars (\$100.00) and not less than Fifty Dollars (\$50.00), or by imprisonment in the county jail, not to exceed six months and not less than thirty days. Each killing or injuring or in any manner destroying any of the animals, except as provided herein, shall constitute a separate offense under the provisions of this act.

Section 3. The provisions of this act shall apply to all Indians on or off reservations, or coming into the territory from adjoining states or territories, and it is hereby made the duty of the Secretary of the Territory to make certified copies of this act, within ten days after the passage, thereof, and send the same by registered mail to each and every Indian agent and Post-master in the Territory of New Mexico.

Section 4. This act shall take effect from and after its passage and all acts and parts of acts in conflict [herewith] are hereby repealed.

CHAPTER XLVII.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A POLICE FORCE IN UNINCORPORATED COUNTY SEATS HAVING A POPULATION OF MORE THAN THREE THOUSAND, AND FOR OTHER PURPOSES. *C. S. for C. B. No. 25; Approved March 19, 1901.*

CONTENTS.

- Section 1. Board of County Commissioners may Appoint a Police Force. Proviso.
 Section 2. Police to be Under Supervision of Sheriff. May be Removed. Duties.
 Section 3. Police Officers to Give Bond and Take an Oath.
 Section 4. Salaries.
 Section 5. Uniforms.
 Section 6. Prisoners to be confined in County Jail.
 Section 7. Live Stock to be Impounded.
 Section 8. May Maintain Public Pound. Estrays to be Sold. Proviso.
 Section 9. Private Citizen may Impound Stray Animals.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The Board of County Commissioners of the several counties of this Territory, the county seat of which has a population of more than three thousand, and which is not incorporated, is authorized and empowered to appoint a police force of not more than three persons, one of whom shall be designated by such Board as the Chief of such Police: *Provided* that none of the expense of pay or maintenance of such police force shall be paid out of the general or any other county fund of any county.

Section 2. Such police force shall be under the supervision of the Sheriff of the County, and any member thereof shall be subject to removal by the Board for malfeasance or misfeasance in office, insubordination or neglect of duties. It shall be the duty of the policemen of such force to preserve the peace and good order in the county seat for which they were appointed; to patrol the streets in the day and night time; and to arrest any and all persons found violating the laws of the Territory of New Mexico, and for the purpose of making arrests and preserving the peace they shall have the same power in the precincts comprising such unincorporated county seat as city and town marshals now have under the laws of this Territory.

Section 3. That each one of such police officers within five

days after his appointment shall give a bond in the sum of Two Hundred Dollars conditioned for the faithful performance of his duties, and shall also take and subscribe an oath that he will support the Constitution of the United States and the laws of this Territory, and will faithfully and to the best of his ability perform the duties of his said office.

Section 4. That such Chief of Police shall be paid the sum of Forty Five Dollars per month, and each of such other police officers the sum of Thirty Dollars per month, to be paid out of a special fund to be raised by a special tax to be levied by the County Commissioners upon the taxable property within the precinct or precincts composing such unincorporated county seat.

Section 5. It shall be the duty of each of the members of such police force to wear a uniform and a star with the word "Policeman" engraved thereon, which said policemen shall purchase at their own expense.

Section 6. The Sheriff of the County shall receive and maintain in the County jail all prisoners arrested and taken into custody by such policemen.

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Section 7. That it shall be unlawful for the owner of any horse, cattle, sheep, goat, swine, burro, or other domestic animal to allow any such animal to enter within any public park in any unincorporated county seat in this Territory and it shall be the duty of the Chief of Police of any such unincorporated county seat to impound any such animal found within any such park.

Section 8. The County Commissioners of the several counties of this Territory shall have full power and authority to construct and maintain a public pound within such unincorporated county seat, the expense of which shall be paid out of the special fund aforesaid and the Chief of Police upon impounding any animal as herein provided shall sell the same to the highest bidder for cash after giving notice of the time and place of such sale by three hand bills posted in public places in such county seat for a period of five days prior to such sale, and the proceeds of such sale up to the amount of Five Dollars shall be retained by such Chief of Police to cover the expenses which he may have incurred, and any balance he shall pay to the county Treasurer of such county to be credited to the general county school fund. *Provided*, that the owner of any such animal shall have the right to redeem the same at any time prior to such sale by paying to said Chief of Police One Dollar for each and every day, or portion of a day, that such animal may have been in his custody.

Section 9. That any citizen shall have the same right to impound any such animal as is herein granted to said Chief

of Police, and shall at once report such impounding to said Chief of Police, who shall proceed in the manner herein provided.

Section 10. This act shall be in full force and effect from and after its passage.

CHAPTER XLVIII.

AN ACT REGARDING ELECTIONS. *C. B. No. 8; Approved March 19, 1901.*

CONTENTS.

Section 1. Secretary of Territory to Canvass Vote.

Section 2. Sections 1654 and 1655, Compiled Laws of 1897, Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Where Council and House of Representative Districts are composed of more than one county, the Secretary of the Territory shall canvass the votes as shown by the returns in the same manner as for Delegate to Congress, and shall issue certificates of election to members of the Council and House having the highest number of votes in their respective districts.

Section 2. Sections 1654 and 1655 Compiled Laws of 1897 are hereby repealed and this act shall take effect from and after its passage.

CHAPTER XLIX.

AN ACT AMENDING SECTION 3107, AND REPEALING SECTIONS 3108 AND 3109 OF THE COMPILED LAWS OF NEW MEXICO, 1897. *H. B. No. 128; Approved March 19, 1901.*

CONTENTS.

Section 1. Section 3107, Compiled Laws of 1897, Regarding Executions, Amended.
Section 2. Sections 3108 and 3109, Compiled Laws of 1897, Concerning Executions Repealed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Sec. 1. Section 3107 of the Compiled Laws of 1897, is hereby amended by striking out all of said section after the period after the words attachments in the eleventh line thereof.

Sec. 2. Sections 3108 and 3109 of the Compiled Laws of New Mexico of 1897 are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its passage.

CHAPTER L.

AN ACT AUTHORIZING COUNTY COMMISSIONERS TO HAVE CERTAIN LANDS SURVEYED FOR THE BETTER RETURN OF TAXABLE PROPERTY, AND PROVIDING A FUND THEREFOR. *C. B. No. 58; Approved March 19, 1901.*

CONTENTS.

Section 1. Board of County Commissioners may Order Surveys. Tax Levy. "County Survey Fund." Duration of Law.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That whenever in the opinion of the Board of County Commissioners of any County in this Territory a survey of the lands in such county is necessary to secure an accurate description for a proper assessment thereof, they are hereby authorized to have such lands surveyed by the County Surveyor, under the direction and in accordance with the instructions of the Board of County Commissioners of such County; and the Board of County Commissioners of such county is hereby authorized to levy a tax of not to exceed one

mill on the dollar on all taxable property in such county to provide a fund for the payment of such survey; such levy to be made at the same time as the levy is made for General County expenses, and all funds collected under such levy shall be kept separate by the County Treasurer to be known as the "County Survey Fund" and shall be paid out by and under the direction of the Board of County Commissioners in the same manner as is now provided by law. That this law shall only be in force during the years 1901 and 1902.

Section 2. This act shall take effect and be in force from and after its passage.

CHAPTER LI.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF PUBLIC BRIDGES," APPROVED FEBRUARY 14, 1899, BEING CHAPTER 11, OF THE SESSION LAWS OF 1899. *H. B. No. 136; Approved March 19, 1901.*

CONTENTS.

Section 1. County Commissioners may Levy an Additional Bridge Tax.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. In counties of the third class in which a tax has heretofore been levied and collected in accordance with Chapter 11 of the session laws of 1899, of the Territory of New Mexico, and said tax not being sufficient for the purpose for which it was intended, the Board of County Commissioners for such counties, are hereby authorized to levy and cause to be collected, as other taxes are levied and collected, an additional tax, which, together with that already levied and collected, shall not exceed the sum of fifteen thousand dollars; and in case a greater amount of money shall be raised as hereinbefore provided, than shall be needed for such purpose, the remainder shall be covered into the road and bridge fund for such county, and used for no other purpose.

Sec. 2. This act shall be in full force and effect from and after the date of its passage.

CHAPTER LII.

AN ACT AMENDING SECTION 511 OF THE COMPILED LAWS OF NEW MEXICO, 1897. *H. B. No. 149; Approved March 19, 1901.*

CONTENTS.

Section 1. Section 511, Compiled Laws of 1897, Concerning Boundary Lines of Tias County, Amended.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That Section 511 of the Compiled Laws of the Territory of New Mexico 1897 is hereby amended by striking out after the word "north" in the 14th line thereof the following words to-wit: "by all the land belonging to the Territory of New Mexico" and inserting instead thereof the following words to-wit: "By the boundary line of the Territory of New Mexico." *Provided* this act shall not apply to boundary lines now established by law in the County of Rio Arriba County.

Section 2. This act shall take effect and be in force from and after its passage.

CHAPTER LIII.

AN ACT TO AUTHORIZE THE RE-ISSUE OF LOST CERTIFICATES OF STOCK IN CORPORATIONS. *H. B. No. 83; Approved March 19, 1901.*

CONTENTS.

Section 1. New Certificate of Stock may be Issued for One Lost or Destroyed.

Section 2. Affidavit Must be Made.

Section 3. Certificate to be Issued in Name of Original Owner.

Section 4. Publications of Notice of Applications.

Section 5. Corporations not Liable.

Section 6. Penalty for Fraud.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That whenever a certificate of stock in any corporation created under the laws of the Territory of New Mexico shall become lost or destroyed so that the legal owner thereof is unable to deliver the same for the purpose of

mill on the dollar on all taxable property in the county to provide a fund for the purpose thereof may be in such survey; such levy to be levied on the same upon time as the levy is made for the purpose of certificate with the purposes, and all funds collected upon the same may be issued it shall separate by the County Treasurer in the name of the "County Survey Fund" and shall be deposited in the name of the said certificate of the Board of Commissioners. An affidavit setting forth the manner as is now provided for the issue of such certificate became lost, or be in force during the year of the loss or destruction thereof.

Section 2. This act shall not be claimed by such person and to and after its passage shall be no other person than the said affiant.

Section 3. No such certificate shall be issued if such loss any interest in such certificate is not at the time of the application for the issue of such certificate pledged or hypothecated to any other person or corporation, but the same has been *bona fide* lost or destroyed.

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Section 4. If at the time of such application the lost or destroyed certificate is pledged or hypothecated or sold to any other person or corporation the pledgee or claimant or his agent or attorney shall make a similar affidavit, but the new certificate when issued shall be issued in the name of the same person in whose name the original certificate was issued, and shall express upon its face that it is issued in lieu of an original certificate which has been lost or destroyed and that it is issued in pursuance of this act.

Sec. 4. No such certificate shall be issued until notice has been published in a newspaper published at or near the principal place of business of such corporation, in each issue of such newspaper for a period of at least three months before the issue of such new certificate. Said notice shall set forth that application has been made for the re-issue of a lost or destroyed certificate, shall give a full description of the certificate alleged to have been lost and shall state briefly the claim of the applicant for re-issue. It shall also require any person claiming an interest in the lost or destroyed certificate to make known the nature of his claim on the day on which re-issue will be made and in default of protest from any person or corporation at the time fixed for such re-issue a new certificate shall be issued.

Sec. 5. The corporation issuing a new certificate under the provisions of this act shall not be liable to the holder or claimant of any such certificate claimed to have been lost or destroyed but which was not in fact so lost or destroyed at the time of the issue of the new certificate, but nothing in this act contained shall be construed to limit the remedies of

claimant against the person wrongfully procured of such certificate.

Any person shall wilfully procure the re-issue of shares of stock under the provisions of this act with the intent to defraud any person, or any person so offending shall upon conviction be fined not more than ten times the par value of the shares so procured or imprisoned in the Territory for not less than ten years or by both such fine and imprisonment.

All acts and parts of acts in conflict with this act are hereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER LIV.

AN ACT TO PREVENT THE RUNNING AT LARGE OF HOGS AND SWINE. *H. B. No. 32; Approved March 19, 1901.*

CONTENTS.

Section 1. No Hog or Swine Permitted to Run at Large. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. No hog or swine shall be permitted to run at large within the limits of any city, town or village or to trespass upon the cultivated fields and gardens of any person, and the owner of any hog or swine allowing the same to run at large within the limits of any city, town or village or to trespass upon the property of another, shall be guilty of a misdemeanor and shall be liable for treble the damage occasioned by such trespass and may be brought before any justice of the peace and a fine of not less than \$5.00 or [nor] more than \$10.00 upon such conviction, before any justice of the peace. And no owners of any property trespassed upon as herein mentioned shall be liable for the injury, death or loss of any hog or swine resulting during expulsion from or impounding upon his property of any hog or swine actually trespassing thereon.

Sec. 2. Sections No. 154 and No. 154A of the Compilations of 1897, Laws of the Territory of New Mexico, are hereby repealed.

Sec. 3. This act shall be in effect from and after its passage.

CHAPTER LV.

AN ACT TO REGULATE THE ELECTION OF DIRECTORS OF SCHOOLS AND THE EMPLOYMENT OF TEACHERS. *H. B. No. 46; Approved March 19, 1901.*

CONTENTS.

Section 1. Term of Office of Directors. .
Section 2. But one Director to be Voted for.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That at the next ensuing election of directors of schools in the several districts of the counties of this Territory, one of the three of such directors shall be elected and shall hold his office for a term of three years, one of such three directors shall be elected and shall hold his office for a term of two years and the third of such directors shall be elected and hold his office for a term of one year.

Section 2. At each election after the next ensuing election of such directors, but one of such directors shall be voted for and he shall be elected and hold his office for a term of three years from the first day of July thereafter.

Section 3. All acts and parts of acts in conflict with the provisions of this act are repealed, and this act shall take effect and be in force from and after the date of its passage.

CHAPTER LVI.

AN ACT TO AMEND SECTION 260 OF THE COMPILED LAWS OF 1897 OF THE LAWS OF THE TERRITORY OF NEW MEXICO. *H. S. for H. B. No. 67; Approved March 19, 1901.*

CONTENTS.

Section 1. Three or More Persons May Establish Savings Banks. Minimum of Capital.

Section 2. Certain Savings Banks May Reduce Capital Stock.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That section 260 of the Compiled Laws of 1897 of the laws of the Territory of New Mexico be and the same is hereby amended to read as follows: Section 260. Any

number of persons, not less than three may associate to establish savings banks and trust associations, upon the terms and conditions and subject to the liabilities prescribed in this act, and the aggregate amount of the capital stock of any such corporation or association shall not be less than thirty thousand dollars, excepting in towns and cities having a population, according to the last United States Census, of less than three thousand inhabitants, in which towns the amount of said capital stock shall not be less than fifteen thousand dollars. Any such corporation or association organized under the provisions of this act shall transact no business until the whole of its capital stock shall have been paid into the treasury of such corporation or association in cash, and until a certificate to that effect, under the oath of the president and treasurer of such association or corporation, shall be filed in the office of the Secretary of the Territory and in the office of the probate clerk for the county where said corporation or association has its principal place of business.

Section 2. Any Savings Bank or Trust Association now existing and established under the laws of the Territory of New Mexico, in any city or town having a population of less than three thousand inhabitants, according to the last United States Census, may reduce or diminish the capital stock of such bank or association to any amount not less than fifteen thousand dollars by complying with the provisions of the general incorporation law, for increasing or diminishing the capital stock of corporations, as provided in section 267 of the Compiled Laws of 1897.

Section 3. This act shall take effect and be in force from and after its passage.

CHAPTER LVII.

AN ACT RELATIVE TO THE PAYMENT OF SCHOOL TEACHERS.

H. B. No. 132; Approved March 19, 1901.

CONTENTS.

Section 1. School Teachers to be paid Monthly.

Be it enacted by the 34th Legislative Assembly of the Territory of New Mexico.

Sec. 1. That hereafter all public school teachers engaged in teaching within incorporated cities, towns and villages, as well as in any other public schools in the Territory of New Mexico, shall be paid monthly instead of quarterly as now

provided by law, unless there are no funds available in which event they shall be paid so soon as the funds are available therefor.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed, and this law shall be in full force and effect from and after its passage and approval.

CHAPTER LVIII.

AN ACT IN RELATION TO EVIDENCE. H. B. 207; *Approved March 19, 1901.*

CONTENTS.

Section 1. Disqualification of Witnesses.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

repealed
907, p. 24 Section 1. That Section 3016 of the Compiled Laws of New Mexico of 1897 be and the same is hereby amended so as to read as follows, to-wit:

"Section 3016. Hereafter in the courts of this Territory no person offered as a witness shall be disqualified to give evidence on account of any disqualification at common law but any such common law disqualification may be shown for the purpose of affecting the credibility of any such witness and for no other purpose; *Provided* that no person offered as a witness shall be competent to give testimony in any case who shall have been convicted and sentenced for the commission of any felony or infamous crime, unless he shall have first been pardoned or restored to full rights of citizenship."

Section 2. This act shall take effect and be in force from and after its passage.

CHAPTER LIX.

AN ACT TO AMEND SECTION 4125, OF CHAPTER 1, OF TITLE 41, OF THE COMPILED LAWS OF 1897, RELATING TO RETAIL LIQUOR LICENSES. *H. B. No. 19; Approved March 20, 1901.*

CONTENTS.

Section 1. Licenses to be Issued Annually. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 4125, of chapter 1, title 41 of the Compiled Laws, of 1897, be and the same is hereby amended so as to read as follows:

Every license herein provided for shall be issued annually, to be issued and collected and the proceeds to be disposed of as provided by law. Any officer who shall deliver to the applicant any such license until the tax thereon has been paid as herein provided, shall forfeit to the said school fund double the amount of said license, to be recovered upon the official bond of said officer.

Sec. 2. This act shall take effect from and after October 1st, 1901, and no license shall be issued for [a] period ending no later than October 1st, 1901.

CHAPTER LX.

AN ACT TO PUNISH THE DEFACING OF TOMBS AND MONUMENTS. *H. B. No. 45; Approved March 20, 1901.*

CONTENTS.

Section 1. Unlawful to Destroy or Deface Any Property in Cemeteries.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Every person who wilfully or maliciously defaces, breaks, destroys or removes any tomb, monument or grave stone erected to any deceased person, or any memento [memento] or memorial, or any ornamental plant, tree or shrub appertaining to the place of burial of any human being,

or who shall mark, deface, injure, destroy or remove any fence, post, rail or wall of any cemetery or graveyard or erected within any cemetery or graveyard, shall be adjudged guilty of a misdemeanor, and punished by fine of not less than twenty-five dollars or by imprisonment of not less than thirty days, or both such fine and imprisonment.

Section 2. This act shall take effect and be in force from and after the date of its passage.

CHAPTER LXI.

AN ACT PROVIDING FOR THE CONDEMNATION OF LAND FOR
CAPITOL GROUNDS. *H. B. No. 97; Approved March 20,
1901.*

CONTENTS.

Section 1. Capital Custodian Committee to Acquire Title to and Possession of
Certain Lands.

Section 2. Condemnation Proceedings.

Section 3. Territory Shall Incur No Expense.

Section 4. Land Donated to City of Santa Fe. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New
Mexico:*

Section 1. It is hereby made the duty of the Capitol Custodian Committee, and its successors in office, under whatever title, to proceed to acquire the title to and possession of all lands lying north of the street marking the northern boundary of the present Capitol grounds, to the Santa Fe River, bounded on the east by Don Caspar Avenue, and on the west by Bridge or Galisteo Street, to which the title is not already vested in the Territory of New Mexico. Said title, when acquired, shall be in the name of the Territory of New Mexico, for the public use of said Territory, as an extension and enlargement of its Capitol grounds.

Section 2. The said land and real estate may be acquired by the said Capitol Custodian Committee either by donation or purchase, and in case the owner or owners of any lands aforesaid are unable or unwilling to accept a fair and reasonable price therefor, then and in that event the said Committee may acquire title thereto by condemnation proceedings to be instituted by the Solicitor General on its behalf, under the law and proceedings for condemnation of lands for irri-

gation purposes contained in sections 485-489 of the Compiled Laws of 1897 in so far as they may be applicable.

Sec. 3. Neither the Territory of New Mexico, nor the Capitol Custodian Committee, shall incur any expense or indebtedness in carrying out the provisions of this act, but any and all necessary expenses for the purchase of lands or otherwise shall be paid by and under the direction of the City of Santa Fe or its citizens, so that the enlargement of said Capitol grounds shall, in the manner provided, be without any cost or expense to the Territory of New Mexico.

Sec. 4. Fifteen feet off from the south side of the present Capitol grounds is hereby donated to the City of Santa Fe as a street, to be known and called Capitol Street: *Provided*, that the adjoining owners of property donate to the City for a similar purpose twenty-five feet in width from the north side of their said property, so as to make said street forty feet in width; this grant and dedication being made upon the express condition that said City shall open said street for public travel within one year from the passage of this act and work and maintain the same as a public highway, and upon its ceasing for any reason to be used as such, such land shall revert to the Territory. "And upon the further condition that the land provided for in section one, two and three of this act shall have been first acquired, donated and conveyed to the Territory without cost to the Territory, as provided in section three of this act.

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER LXII.

AN ACT DEFINING THE PROPERTY RIGHTS AND POWERS OF MARRIED PERSONS, PRESCRIBING GROUNDS FOR DIVORCE, AND OTHER MATTERS. *H. B. No. 159; Approved March 20, 1901.*

CONTENTS.

- Section 1. Property to Remain Separate Estates.
 Section 2. The Words "Lucrative Title" and "Onerous Title" Defined.
 Sections 3 and 4. Liabilities of Husband and Wife.
 Sections 5 and 6. Rights of Property and Conveyance.
 Sections 7 and 8. Disposition of Property by Will.
 Section 9. Inheritance.
 Section 10. Conveyance by Court Decree.
 Sections 11, 12 and 13. Seals or Scrolls Not Necessary.
 Sections 14, 15, 16 and 17. Acknowledgement of Instruments in Writing.
 Section 18. Instruments in Writing Entitled to be Filed and Recorded. *TRAVIS.*
 Section 19. Fees for Filing or Recording must be Paid.
 Sections 20 and 21. Power of Attorney.
 Section 22. Causes for Divorce.
 Sections 23 and 24. Suit for Division of Property, or Disposition of Children.
 Section 25. Time of Residence required.
 Section 26. Complaints must be Under Affidavit.
 Section 27. Issuance of Attachments or Restraining Orders. Allowance of Alimony. Care and Custody of Minor Children.
 Section 28. Decree of Alimony Lien Upon Property.
 Section 29. Guardian may be Appointed.
 Section 30. Voluntary Division of Property.
 Section 31. Property Rights in Case of Divorce.
 Section 32. Section 21, Chapter 21, Session Laws, 1899, and Sections of Compiled Laws, 1897, Repealed.

Repealed Be it enacted by the Legislative Assembly of the Territory of New Mexico:

secs. 1 to 9 inclusive 1907, p. 51. Section 1. All property acquired in any manner by either husband or wife, before or during marriage, shall be his or her separate estate, and shall be liable for his or her separate legal contracts, debts and torts.

Section 2. The words *lucrative title* as used in this act, shall be construed to mean, (a) all property acquired prior to marriage; (b) all property acquired during marriage by gift, donation, bequest, devise or descent, including the fund derived from the sale of such property and including the property acquired by exchange or mutations thereof, as well as that of the property acquired before marriage, so long as the fund or property acquired by exchange or mutations can

be clearly and distinctly traced. The words *onerous title* shall be construed to mean all property acquired during marriage other than that acquired during marriage by lucrative title.

Sec. 3. Neither husband nor wife shall be liable upon any contract unless he or she is a party thereto; except such contracts as may be made by either husband or wife for necessities actually furnished the wife, husband, or their family; in which case, each shall be liable for such necessities.

Sec. 4. Neither the husband nor wife shall be liable for the torts of the other; each shall be liable for the torts of their minor children. *Amended L. 1907, p. 162 sec. 1. out*

Sec. 5. All married persons shall possess the same property rights, the same power to convey or contract, the same power to sue and be sued, and all other powers and rights possessed and enjoyed by single and unmarried persons of legal age and otherwise competent to contract, subject to the limitations in the next following section.

Sec. 6. The rights and powers conferred upon married persons by section 5 (five) of this act shall be subject to the following limitations and no other: (a) Neither husband nor wife shall convey, mortgage, incumber or dispose of, any real estate, or legal or equitable interest therein acquired during coverture by onerous title, unless both join in the execution thereof; (b) neither husband nor wife shall be permitted to dispose of by will more than an undivided one-half interest of that part of his or her said estate which may have been acquired by him or her during marriage by onerous title; (c) no contract between husband and wife affecting the title to the property of either, shall be valid as against creditors, unless at the time of the execution thereof the same is evidenced by an instrument of writing, duly acknowledged and recorded in the county in which the property affected thereby is situated. *Amended L. 1907, p. 4 sec. 16.*

Sec. 7. Either husband or wife may dispose of by will an undivided one-half interest of that part of his or her said estate acquired during marriage by onerous title; and may dispose of by will all of that part of his or her said estate acquired before marriage either by onerous title or lucrative title, or acquired during marriage by lucrative title.

Sec. 8. Property acquired subsequent to the making of a will may be disposed of thereby as effectually and to the same extent as the property acquired prior to or owned on the date of the making of the will; but neither husband nor wife shall dispose of by will his or her said estate, or any part thereof, so that the same shall not be liable for his or her debts, nor shall the descent of property, as provided for

in section 9 of this act or any other statute, affect the right of creditors of such deceased person to subject his or her property to the payment of his or her debts.

Sec. 9. Sections 2030 and 2031 of the Compiled Laws of New Mexico, of 1897, be and the same are hereby repealed, and the following substituted therefor: Upon the death of either husband or wife, the survivor shall inherit one-half of that part of the estate of the deceased acquired by him or her during marriage by onerous title; and of the remaining portion, after deducting said one-half, the survivor shall inherit one-fourth thereof not disposed of by last will and testament, and the remaining three-fourths, if not disposed of by last will and testament, shall descend in equal shares to the children of said deceased. In the absence of any such children, such remaining three-fourths not disposed of by last will and testament shall be inherited by such survivor.

*Revised
1903, p. 19,
sec. 4.*
Sec. 10. In all actions relating to real estate, where it becomes necessary for the conveyance of the same by either party to the action, the court may enter a decree, which of itself shall operate as a good and sufficient conveyance of the real estate in question, or may appoint any proper person to make such conveyance for and on behalf of the party. All such decrees heretofore made or conveyances executed, as provided for in this section, are hereby validated. But this section shall not affect any suit now pending in any of the courts of this territory.

Sec. 11. No seal or scroll shall be necessary to the validity of any contract, bond or conveyance, whether respecting real or personal property, or any other instrument of writing, except such as are made by corporations, nor shall the addition or omission of a seal or scroll in any way affect the force or effect of the same.

Sec. 12. Every contract in writing hereafter made shall import a consideration in the same manner and as fully as sealed instruments have heretofore done.

Sec. 13. Every instrument heretofore duly executed except for want of a seal, which at the time of the execution of such instrument, was required by law, shall have the same force and effect as if said instrument had been properly sealed at the time of the execution thereof; and all records and copies of such instruments which would be entitled to be received in evidence had the same been duly executed with the proper seal, shall be received in evidence with the same force and effect as the original instrument would have been received had the same been duly sealed.

Sec. 14. The acknowledgment of any instrument of writing may be made within this Territory before either:

1. A clerk of the District Court;
2. A judge or clerk of the probate court, using the probate seal;

3. A notary public;

4. A justice of the peace;

Sec. 15. The acknowledgement of any instrument of writing may be made without this Territory, but within the United States or their territories, before either:

1. A clerk of some court of record having a seal;

2. A commissioner of deeds duly appointed under the laws of this territory;

3. A notary public having a seal.

Sec. 16. The acknowledgement of any instrument of writing may be made without the United States before either:

1. A minister, commissioner or charge de affairs of the United States, resident and accredited in the country where the acknowledgment is made;

2. A consul-general, consul, vice-consul, deputy-consul, or consul or agent of the United States, resident in the country where the acknowledgment is made, having a seal;

3. A notary public, having a seal.

Sec. 17. An acknowledgment of an instrument of writing shall not be necessary to its execution unless expressly so provided by statute.

Sec. 18. Any instrument of writing, duly acknowledged and certified to, shall be entitled to be filed and placed of record. Any instrument of writing, not so acknowledged and certified to, shall not be entitled to be filed and placed of record, nor considered of record, though so entered. *Provided, however,* that judicial decrees, or certified copies thereof, patents, land office receipts, certified copies of foreign wills duly authenticated, and instruments of writing in any manner affecting lands in the Territory when said instruments have been duly executed by a public officer authorized to execute the same, need not be acknowledged, but shall be entitled to be filed and entered of record.

india
20 / Sec. 19. No clerk shall be compelled to receive any instrument of writing for filing or record until his legal fees for such filing and record shall have first been paid.

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21 / Sec. 20. It shall not be necessary in any case for the husband to join with the wife when she executes a power of attorney for herself; nor shall it be necessary for the wife to join with the husband when he executes a power of attorney for himself.

Sec. 21. All powers of attorney, or other writings containing authority to convey real estate, as agent or attorney of the owner of the same, or to execute, as agent for another,

any conveyance of real estate, or by which real estate may be affected in law, or equity, shall be acknowledged, certified, filed and recorded, as other writings conveying or affecting real estate are required to be acknowledged. No such power of attorney, or other writing, filed and recorded in the manner prescribed in this section, shall be considered revoked by any act of the party executing the same, until the instrument of writing revoking the same, duly acknowledged and certified to, shall be filed for record and recorded in the office of the probate clerk where said power of attorney or other writing is filed and recorded.

Sec. 22. The several district courts within and for the Territory of New Mexico are hereby vested with full power and authority to decree divorces from the bonds of matrimony for any of the following causes:

1. Abandonment;
2. Adultery;
3. Impotency;
4. When the wife, at the time of the marriage, was pregnant by another than her husband—said husband having been ignorant thereof;
5. Cruel and inhuman treatment;
6. Neglect on the part of the husband to support the wife, according to his means, station in life, and ability;
7. Habitual drunkenness;
8. The conviction for a felony, and imprisonment therefor, in the penitentiary, subsequent to the marriage. All judgments and decrees heretofore made or rendered in the district courts of this territory in divorce cases are hereby validated. Suits for divorce, alimony, divisions of property, or disposition of children, as provided for in this act, shall be commenced and prosecuted in all things according to the provisions of Chapter One (1) Title XXXIII of the Compiled Laws of New Mexico, of 1897, entitled "Code of Civil Procedure."

Sec. 23. Whenever the husband and wife shall have permanently separated and no longer live or cohabit together, as husband and wife, either may institute suit in the district court for a division of property, or for the disposition of the children, without asking for or obtaining in said suit a dissolution of the bonds of matrimony; or the wife may institute suit for alimony alone.

Sec. 24. Any suit for the dissolution of the bonds of matrimony, division of property, disposition of children, or alimony, as provided for in this act, may be instituted in the county where either of the parties resides, or where the property, or some part thereof, affected, or sought to be af-

fectured thereby, is located or situated. In such suit, the court shall have jurisdiction of all said property, wherever located or situated in said Territory.

Sec. 25. The Plaintiff in an action for the dissolution of the bonds of matrimony, must have been an actual resident, in good faith, of the Territory, for one year next preceding the filing of his or her complaint.

Sec. 26. The complaint, in all suits with reference to divorce, division of property, disposition of the children, or alimony, must be verified by the affidavit of the plaintiff.

Sec. 27. In any suit for the dissolution of the bonds of matrimony, division of property, disposition of the children, or for alimony, the court in term time, or judge in vacation, may make and enforce, by attachment or otherwise, such order to restrain the use or disposition of the property of either party, or for the control of the children, or to provide for the support of the wife during the pendency of the suit, as in its or his discretion may seem just and proper; and may make such order, relative to the expenses of the suit, as will ensure the wife an efficient preparation and presentation of her case; and, on final hearing, may allow the wife such a reasonable portion of the husband's separate property, or such a reasonable sum of money to be paid by the husband, either in a single sum, or in installments, as alimony, as under the circumstances of the case may seem just and proper; and, on such hearing, may set apart out of the property of the respective parties, such portion thereof, for the maintenance and education of their minor children, as may seem just and proper, and may make such an order for the guardianship, care, custody, maintenance and education of said minor children, or with reference to the control of the property of the respective parties to the suit, or with reference to the control of the property decreed or fund created by the court for the maintenance and education of said minor children, as may seem just and proper; and may modify and change any order in respect to the guardianship, care, custody, maintenance or education of said children, whenever circumstances render such change proper. Said district court shall have exclusive jurisdiction of all matters pertaining to said guardianship, care, custody, maintenance and education of said children, and with reference to the property decreed or funds created for their maintenance and education, so long as they, or any of them, remain minors; and if any of the property decreed or funds created for the maintenance and education of the children, as aforesaid, shall remain on hand and be undisposed of at the time the minor children become of age, the same

may be disposed of by the court as unto it may seem just and proper.

Sec. 28. In case of the allowance to the wife of a portion of the husband's property, as alimony, the decree making such allowance shall have the force and effect of vesting the title of the property so allowed, in the wife. In case of the allowance to the wife of any sum, or sums of money, as alimony, the decree making such allowance shall operate, without so specifying therein, as a judgment lien upon all the property of the husband located or situated in said Territory, and said lien may be satisfied by execution.

Sec. 29. In case of the allowance of a certain part of the property of the parties to the suit, or either of them, for the maintenance and education of the minor children, the court, in term time, or judge in vacation, may vest title to such part of the property so allowed in a guardian or trustee appointed by the court; and shall have power to remove such guardian or trustee, at any time, for any cause, and appoint another, and shall have the power to vest title to such property in the new appointee. In case a sum of money is allowed the children, the same shall be a lien on all of the property of the party, or parties, by whom or out of whose property the same is to be paid, and the sum so allowed shall be collected by such process or procedure as by the court may be directed.

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51.
Sec. 30. Upon division of property, from any cause whatever, the husband and wife, as between themselves, each shall be entitled to an undivided one-half interest in all that part of the other's separate estate which may have been acquired by such other during marriage by onerous title.

Sec. 31. The failure to divide the property on divorce shall not affect the property rights of either the husband or wife; either may subsequently institute and prosecute a suit for division and distribution thereof, or with reference to any other matter pertaining thereto, which could have been litigated in the original suit for divorce.

Sec. 32. That section 21 (twenty-one) of chapter 80 (eighty) of the session laws of New Mexico, of 1899, and sections 1431, 1432, 3943, 3944, 3950, 3951, 3952, 3959, 3962, 3963, 3968, 3970, 1509, 1510, 1511, 1512, 1513, 3933, of the Compiled Laws of the Territory of New Mexico, of 1897, and all laws and parts of laws by said sections, or any of them, repealed, and all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Sec. 33. This act shall be in full force and effect from and after the date of its passage.

CHAPTER LXIII.

AN ACT AMENDATORY OF THE LAW RELATING TO THE NEW MEXICO MILITARY INSTITUTE AT ROSWELL. *H. B. No. 169; Approved March 20, 1901.*

CONTENTS.

- Section 1. Members of Faculty to be Aides-de-Camp to Governor.
Section 2. Appointment of Company and Battalion Officers by Superintendent.
Section 3. Regarding Quartermaster's Stores.
Section 4. Annual Inspection.
Section 5. Commissions for Meritorious Work.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That for the better government and enforcement of discipline in the New Mexico institute, Located at Roswell, the Superintendent, commandant of Cadets and instructors in said institute, Shall be commissioned as Aides-de-Camp on the staff of the Governor and commander-in-chief, in addition to the number of Aides-de-Camp otherwise provided by Law; the Superintendent to have the rank of Colonel, the Commandant of Cadets to have the rank of Captain, who shall hold office as such during the time they are employed in such capacity in said institute and no longer, and they will be allowed to wear the uniform of their rank while on duty in the institute, and upon all public occasions when the National Guard is under arms or the staff of the Governor and commander-in-chief shall be ordered out.

Section 2. The Superintendent of the Military institute shall have power to divide the students of the institute into companies and battalions and to appoint company and battalion officers, and non-commissioned officers, who shall hold their offices at the pleasure of the Superintendent. Commissions shall be issued by the Superintendent to company and battalion officers to be known as Cadet commissions, which shall be signed by the superintendent and commandant of Cadets, and a record kept of the same by the commandant showing the date of all such commissions, and the expiration of the same and for what cause. The Superintendent shall have power to prescribe the number and rank and duties of Cadets, and non-commissioned officers conforming so far as practicable to the Laws governing the National Guard of the Territory.

Section 3. It shall be the duty of the Superintendent to

provide a safe and convenient place for the keeping and preservation of all ordnance and quartermaster's stores received from the Territory for the use of the institution, and on and before the thirty-first day of December in each year, he shall make a report to the Adjutant General of the Territory of all such stores on hand, and in such report he shall show their condition, whether servicable or unservicable, and if any of such stores should be Lost or destroyed, the Manner of their loss or destruction.

Section 4. The Governor and commander-in-chief shall cause the Adjutant General to make an annual inspection of the discipline, course of study and general management of the Military institute, a report of which inspection shall appear in the annual report of the Adjutant General.

Section 5. The two Cadets of the Military institute who shall at graduation, have the highest standing in the graduating Class, shall receive from the Governor and commander-in-chief commissions as second Lieutenants in the National Guard of the Territory, and be assigned to duty to fill any vacancy in that grade occuring in any National Guard organization stationed in the County of their residence, without examination.

Section 6. All laws and parts of Laws in conflict herewith are repealed.

Section 7. This act shall take effect upon approval of the same by the Governor.

CHAPTER LXIV.

AN ACT TO PROVIDE FOR THE INSPECTION AND TESTING OF COAL OIL IN THE TERRITORY OF NEW MEXICO. *H. S. for H. B. No. 187; Approved March 20, 1901.*

CONTENTS.

Section 1. Coal Oil Inspector to be Appointed. Duties.

Section 2. To give Bond in Sum of Ten Thousand Dollars.

Section 3. Fee for Inspection. Record to be Kept.

Section 4. Fixing Degree of Fire Test and Specific Gravity. Proviso.

Section 5. All Packages to be Branled by Inspector.

Sections 6 and 7. Penalties.

Section 8. Repealing Sections 2640, 2641, 2642, 2643, 2644, 2645 and 2646, Compiled Laws 1897, and Chapter 12, Session Laws 1899.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Repealed
1903, p. 4. Section 1. There shall be appointed by the Governor of this Territory, by and with the advice and consent of the

Article.
Council of the Legislature, a competent person to the office of oil inspector of the Territory of New Mexico, who shall hold his office for the term of two years and until his successor shall be duly appointed and qualified. It shall be the duty of such inspector to inspect all oil commonly known as coal oil or kerosene oil, gasoline and any fluid or substance which is a product of petroleum, or in which petroleum or any product of petroleum is found as a constituent element, that may be transported or brought into this (Territory) for sale or use, or which may be kept for sale, or offered for sale or use, (for the purpose of illuminating) by any person (or persons) firm, company, or corporation, and to plainly and distinctly mark, stamp or brand upon the packages or package in which said oil may be contained (for sale, or offered for sale) the degree of fire test and specific gravity of the oil therein contained, so offered for sale: *Provided*, that any retail dealer may be allowed to draw off from said original package or packages, for the purpose of convenience in retailing the same, and place said oil in a tank for the purpose of retailing therefrom any oil aforesaid, upon which the inspection mark, brand or stamp may have been attached.

Section 2. The oil inspector shall give bond to the Territory of New Mexico in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties. He shall have power to appoint one or more deputy inspectors, for whose conduct and efficiency he shall be held responsible upon official bond, for any failure or neglect in the performance of their duties as such deputy inspectors.

Section 3. The inspector or deputy inspector is entitled to demand and receive from the owner of any oils inspected, one-half of one cent for each gallon so inspected. It shall be the duty of each inspector, and each deputy inspector, to keep an accurate record of oils tested and branded by him, which record shall state the date of inspection, the number of packages, barrels, casks or tanks inspected, the number approved, the manufacturer's brands, the name of the person for whom inspected, and the sum of money received for inspection, and such record shall be open to all persons interested in the same. At the beginning of every month each deputy inspector shall forward to the Territorial Inspector, a true copy of such record, and all moneys received by him for his inspection. In the month of January in each year, the Territorial Inspector shall make and deliver to the Governor of the Territory a report of the inspection by himself and deputies during the preceding calendar year.

Section 4. Any person or persons, firm, company or corporation, or any agents of any person or persons, firm, com-

pany or corporation, who shall transport or bring into this Territory for sale or use, or who shall keep for sale or use, or who shall offer for sale, or use, any mineral or petroleum oil or any oil, fluid or substance, which is the product of petroleum, or into which petroleum or any product of petroleum enters, or is found as a constituent element, either at wholesale or retail, that is less than what is known as 130 degrees fire test, or which has a specific gravity of Less than 43, and any person or persons, firm, company or corporation, or any agent of any person or persons, firm, company or corporation, who shall transport or bring into this Territory for sale or use, or who shall sell or offer for sale or use, any gasoline, by or under whatever name it may be called, which, has a specific gravity of less than 63, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred nor more than five hundred dollars, or by imprisonment in the County Jail for not less than sixty days nor more than six months, or by both such fine and imprisonment at the discretion of the court trying said cause. *Provided*, that nothing herein shall be construed to prevent the shipment of oil into this Territory, notwithstanding the same may not have been inspected; but the same shall be inspected under the provisions of this act before sold or used.

Section 5. Any person or persons, firm, company or corporation, or any agent thereof, having or keeping for sale any oil to be used for the purposes aforesaid, shall keep conspicuously placed on all packages, boxes, barrels or tanks containing any of the oils aforesaid, the inspector's mark, brand or stamp, showing the degree of fire test and the specific gravity thereof, except as otherwise provided in this act, and that the same has been inspected by the oil inspector of the Territory, and that such oil, if other than gasoline, is not below the fire test of 130 degrees, and not below 43 degrees specific gravity, and if gasoline is not below 63 degrees specific gravity, and any person or persons, firm, company or corporation, violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the fines and penalties imposed in section four of this act.

Section 6. Any oil inspector or deputy oil inspector who shall mark, stamp or brand any package or packages, required to be inspected, by this act, as containing oil or gasoline of the fire test and specific gravity herein required, when said package does not contain oil or gasoline of the specific gravity and fire test herein required, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars, or by imprison-

ment in the County Jail for not less than sixty days nor more than six months, or by both such fine and imprisonment at the discretion of the court trying said cause.

Section 7. The failure on the part of any coal oil inspector to perform his duties as herein required shall be considered a malfeasance in office, for which he may be removed from office by the Governor.

Section 8. Sections 2610, 2611, 2642, 2643, 2644, 2645 and 2646 compiled laws of 1897 and chapter 12 of the session laws of 1899, and all acts and parts of acts in conflict with this act are hereby repealed, and this act shall be in full force and effect from and after July 1st 1901.

CHAPTER LXV.

AN ACT TO PROVIDE FOR THE DISPOSITION OF LANDS GRANTED BY CONGRESS. *H. B. No. 219; Approved March 20, 1901.*

CONTENTS.

Section 1. Lands Granted for Normals to be Divided Equally Between the New Mexico Normal University and Normal School of New Mexico. Funds not to be Used for Expenses.

Section 2. Proceeds of Sale or Leasing of Lands Available for School of Mines.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the Grant of Lands to the Territory of New Mexico, of one hundred thousand acres of Land for the establishment and Maintenance of Normal schools, made in and by the Act of the Congress of the United States approved June 21st, 1898, entitled "An act to make certain Grants of Land to the Territory of New Mexico, and for other purposes," is hereby declared to be for the equal benefit of the New Mexico Normal University, located at Las Vegas; and the Normal school of New Mexico, Located at Silver City, which are hereby designated and established as the Normal Schools for which said Grant was made. All Lands now or hereafter Located for the Normal Schools under said grant, shall be held by the Territory, subject to disposal as provided by Law, for the benefit of the two institutions herein designated, in the proportion of an undivided one-half interest each, and the proceeds of all of such Lands now or hereafter sold or Leased shall be placed to the Credit of the said two institutions, as

separate funds, in like proportions. Such funds are hereby made available for the use of said institutions for the establishment of permanent equipment or improvement thereof, or for investment, and may be drawn in the manner now provided by law for drawing other funds, upon resolutions of the Board of Regents of the institution requiring the same, stating that the money is required for one or more of the above mentioned purposes, to be specified in the resolution; and no part of the principal of such funds shall be used for current expenses, salaries, or any other form of maintenance, but the income derived from the investment of such funds may be so used.

Section 2. The proceeds of the sale or leasing of the Lands Granted by said Act of Congress for the establishment and Maintenance of a school of Mines, are hereby made available for the use of the New Mexico school of Mines, Located at Socorro, in like manner, for the same purpose, and subject to the same restrictions, as provided in section one (1) of this act.

Section 3. This act shall be in force from and after its passage.

CHAPTER LXVI.

AN ACT TO AMEND AN ACT OF THE 34TH LEGISLATURE ENTITLED "AN ACT TO PREVENT THE LARCENY OF LIVE STOCK IN THE TERRITORY OF NEW MEXICO," APPROVED MARCH 12, 1901. *H. R. No. 237; Approved March 20, 1901.*

CONTENTS.

Section 1. Provisions of Section 2, Chapter 23, Session Laws of 1901, not to Apply to Certain Animals.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 2, of "An Act to prevent the Larceny of Live-stock in the Territory of New Mexico," approved March 12th, 1901, be and the same is hereby amended by changing the second paragraph in said section to read as follows:

This provision shall not apply to any freshly branded animal which may have been previously branded with an older and duly recorded brand, and for which animal the claimant has a legally executed bill of sale from the owner of the older brand; nor to young animals under the age of ten months which are accompanied by their mothers; nor to the calves of

milk cows when such cows are actually used to furnish milk for household purposes, or for carrying on a dairy; but in every such case the person, firm or corporation, separating calves from their mothers for either of these purposes shall, upon the demand of any cattle owner, sheriff, inspector or other officer, produce, in a reasonable time, the mother of each of such calves so that interested parties may ascertain if the cow does or does not claim and suckle such calf.

Section 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXVII.

AN ACT REGULATING THE ASSESSMENT AND TAXATION OF BUILDING AND SAVINGS AND LOAN ASSOCIATIONS. C. S. for C. B. No. 2; Approved March 20, 1901.

CONTENTS.

Section 1. Manner of Listing and Assessing. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

reindorsed
 '909 Section 1. That hereafter Building and Loan Associations
 '75- and Savings and Loan Associations, organized under the laws
 '1- of and doing business in this Territory, shall be listed and assessed in the following manner: Before the first day of March in each year, the Secretary of every Building and Loan Association shall file with the Clerk of the Probate Court of the County in which the principal place of business of said Association is located, a duplicate statement, verified by the said Secretary, showing the amount paid into said Association by shareholders upon shares of stock issued by it up to the first day of January preceeding, and then outstanding, and also the amount loaned up to said date to shareholders, and secured by mortgage upon real estate listed for taxation or secured by the stock of such association. And the said Probate Clerk shall deliver said statement to the proper assessor, who shall proceed to assess said Association for taxation, with the amount shown to have been paid into said Association, up to said first day of January upon outstanding shares of stock, less the amount shown by the statements to have been loaned to shareholders upon said mortgage security so listed for taxation, and upon shares of stock of said Association, and neither the Association or the shareholders therein shall be

liable to other taxation upon said shares of stock. *Provided*, that this act shall not apply to any case in which final judgment for taxes has already been rendered.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

CHAPTER LXVIII.

AN ACT TO PROVIDE FOR THE PURCHASE OF FILING CASES AND OTHER NECESSARIES FOR THE SUPREME COURT VAULT AND ROOMS. *C. B. No. 32; Approved March 20, 1901.*

CONTENTS.

Section 1. Sum of Two Hundred and Fifty Dollars Appropriated.

Section 2. Auditor to Pay Accounts Approved by Clerk of the Supreme Court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the sum of two hundred and fifty dollars is hereby appropriated out of any funds now in the hands of the Territorial Treasurer, except funds for the payment of interest, for the purpose of furnishing the vault in the Supreme Court with proper filing cases and the payment of the Telephone service for the current year in said Supreme Court, and the purchase of other furnishings now necessary.

Section 2. That all such accounts for such furnishings shall be paid by the Auditor of the Territory upon a warrant, upon the approval of said accounts by the Clerk of the Supreme Court.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER LXIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT ESTABLISHING A BOARD OF PUBLIC LANDS, ASSIGNING THEIR DUTIES, AND FOR LEASING AND MANAGING PUBLIC LANDS AND FUNDS," APPROVED MARCH 16, 1899. *H. B. No. 218; Approved March 20, 1901.*

CONTENTS. *are repealed except sec. 1.*
2. 1905, 8, 308.

- Section 1. Salary of Commissioner of Public Lands.
- Section 2. Contingent Expenses. Regarding Leases. Proviso.
- Section 3. Leasing of Lands. Sale of Certain Timber Authorized; Manner of Sale. Penalty. *Repealed L. 19*
- Section 4. Appraisalment of Lands. *8, 266.*
- Section 5. Requirements Concerning Running Water Stricken Out.
- Sections 6 and 7. Rental Values.
- Section 8. Damage to Land by Grazing. Right of pasturage May be Granted. Fencing Privileges.
- Section 9. Expenses of Leasing and Sale of Lands and Management of Lands and Funds.
- Section 10. Transfer of Funds not Legal.
- Section 11. Moneys Received to be Paid to Territorial Treasurer.
- Section 12. Leasing of School Sections. Cemeteries on School Sections.
- Section 13. Manner of Selling Lands. Classification. Disposition of Money Arising From Sales.
- Section 14. Seal Shall be Adopted. Contracts, Leases and Deeds to be Signed by the Governor. Acknowledgment not Necessary.
- Section 15. Commission of Irrigation; Appointed by the Governor; Organization; Duties. May Contract for Construction of Reservoirs. Terms of Contracts. Commission to Report to Governor. Expenses and Compensation.
- Section 16. Appropriation for Attorneys' Services.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section two (2) of an act of the thirty-third Legislative Assembly of the Territory of New Mexico, entitled "An Act establishing a Board of Public Lands, assigning their duties, and for leasing and managing public lands and funds," approved March 16th, 1899, be and the same is hereby amended by striking out the words "two thousand" where the same occur, and inserting in lieu thereof the words "twenty-five hundred;" and by striking out the word "quarterly," and inserting in lieu thereof the word "monthly."

Sec. 2. That section five (5) of said act is amended by inserting after the word "required," the words "and for contingent expenses." "Section 6 of said act is hereby amended by adding thereto at the end of paragraph 'B' of said section,

after the word 'Leases,' the following: 'Or leases executed on false or erroneous information.'

And the following proviso being a part of section two (2) of said act, and reading as follows: '*Provided*, in case no sale of such public lands are made under the provisions of this act, then and in that case the different members of this Board shall receive no salary,' is hereby repealed."

the act.
express
approved
Jan. 2, 1898

Sec. 3. That section twelve (12) of said Act is amended by striking out the words "that all lands to be leased shall first be appraised by the Board as hereinafter provided;" "and strike out the word "semi-annually" and also by adding to the said section the following: "The Board is hereby authorized to sell the down, mature, and large growth timber on any of the sixteenth and thirty-sixth sections of said land granted as school lands, at a price not less than two dollars per acre, and not less, in any event, than the market value thereof in the locality of the same; but shall not sell any of such timber, or authorize the cutting or use thereof, except upon application, duly sworn to, describing, by government sub-divisions, or by metes and bounds in case the land is unsurveyed, the tract upon which the applicant desires to cut timber, and the number of acres from which he desires to cut the same, with an estimate, as nearly as may be, of the amount of timber thereon, and the character and quality thereof, which estimate of timber on said land shall be verified by affidavits of two disinterested persons familiar therewith. Before any permit to cut or remove any of said timber from said land shall be given, the Board shall require the applicant to give bond to the Territory of New Mexico, to the satisfaction of the Board, in such sum as the Board may determine, to the effect that in case said permit is granted the person so applying therefor will not cut or remove any timber hereby prohibited to be cut or removed, from the land described in his application, or any timber growing on any other lands than that described therein. And no timber less than eight inches in diameter shall be cut and sold from said lands except such as is suitable only for fuel and fences. Any person removing or cutting any timber from or on any such school lands, belonging to the Territory of New Mexico, without first having received authority as herein provided, or from or on any other lands belonging to said Territory under any circumstances, shall be punished by imprisonment not less than six months nor to exceed one year, or by a fine not less than five hundred dollars nor to exceed one thousand dollars, and in addition thereto an amount double the value of the said timber so cut and removed, and said fine, when collected, shall be paid, by the officer collecting the same, to the Commissioner of Public Lands, and by

him be credited to the institution or purpose for which the land from which such timber so cut and removed was selected."

Sec. 4. That section thirteen (13) of said Act is amended by striking out from the second line thereof the word "leased."

Sec. 5. That the fifth paragraph of section eighteen (18) of said Act is amended by striking out the word "running."

Sec. 6. That the second paragraph of section twenty-one (21) of said Act is amended by striking out the word "appraised" and inserting in lieu thereof the word "minimum."

Sec. 7. That section twenty-two (22) of said Act is amended by striking out the words "at not less than two-thirds of the appraised rental and," and insert in lieu thereof the words "but the rental accepted shall be."

Sec. 8. That section twenty-three (23) of said Act is amended by adding thereto the following: "The Board may, however, agree with any person or persons with reference to the amount of damages caused any such lands by grazing thereon and upon payment thereof such person or persons shall thereby be released from any further claim for damages; and the Board shall also have the right to grant the right of pasturage upon such amount of unleased lands as it may in each instance determine, for a period not to exceed five years, at not less than two cents per annum per acre. Any and all fences or other movable fixtures erected for the purpose of enjoying such pasturage right shall remain the property of the person erecting the same, and may be removed therefrom before or within three months after the expiration of such right, but if not removed within such last named period shall remain and be a part of the land upon which the same may be situated."

Sec. 9. That section twenty-seven (27) of said Act is amended by inserting in line one thereof, before the word "leasing," the word "sale."

Sec. 10. That section twenty-eight (28) of said Act is amended to read as follows: "Sec. 28. All funds belonging to the Territory for any of the purposes for which the donations were made by the said Act of Congress, or any similar Act of Congress which may hereafter be enacted for the benefit of the various institutions of the Territory or of the State of New Mexico, are hereby pledged for the purposes for which they were created, and shall not be transferred to any other fund or for any other purpose, but they shall be expended or invested for the respective purposes for which the same were created, in the manner now or hereafter provided by law."

Sec. 11. That the first twelve (12) lines of section twenty-nine (29) of said Act, as far as the word "provided," are

amended to read as follows: "That the funds derived from the sale or leasing of said lands, receipts from pasturage, or from the investment or loaning of the funds belonging to any of the institutions or objects mentioned in this act, less the expenses incurred in connection therewith as provided by section twenty-seven (27), shall be paid over to the Territorial Treasurer to the credit of the particular institution or object for which such lands were selected, and shall be paid out to or for such institution or object, or invested according to law."

Sec. 12. That section thirty (30) of said Act is amended to read as follows: "Sec. 30. That whenever any school section, that is, section sixteen and thirty-six, or any other portion of the public domain which may be selected or segregated for the purposes of this act, is occupied by any person or persons, such person or persons having made improvements thereon, such person or persons shall have the preference right to lease such section or a part thereof so occupied and improved, and when the same may be sold or offered for sale, such person or persons shall have the preference right of purchase thereof: *Provided*, a claim for such rights shall be filed with the Commissioner of Public Lands within ninety days from the date of the approval by the Secretary of the Interior of the selection of said land, or before the first day of June, 1901, in case of school sections; and *provided further*, whenever any school section, or any part thereof, or any other portion of the public domain which may be selected and segregated for the purposes of this act, and which may be occupied or used as a cemetery or burial ground by any person or persons, or community, such persons or community shall have the preference right to purchase the same at one dollar and twenty-five cents per acre, and said section or parts thereof so used shall not be leased under the provisions of the Act, except for cemetery purposes to the persons or community occupying the same for such purpose."

Sec. 13. That section thirty-two (32) of said Act is amended to read as follows: "Sec. 32. Said Board is hereby empowered and directed to contract for sale, sell for cash, and to sell for part cash and for part deferred payments, and to enter into agreements to sell, under such rules and regulations, and upon such notice, as the Board may prescribe, not to exceed fifty per cent. of all the lands granted to the Territory of New Mexico, which are salable under the Act of Congress hereinbefore referred to, or that may hereafter be granted to the Territory of New Mexico, at the best price obtainable, which shall in no instance be less than three dollars per acre for timber or agricultural land, nor less than two dollars per

acre for grazing land upon which there is permanent water, nor less than one dollar and twenty-five cents per acre for dry grazing land upon which there is no permanent water: *Provided*, That no deed shall in any case issue until the entire purchase price has been paid. And the said Board is empowered and directed, before any further sales are made, to classify all lands selected under said Act of Congress as timber lands, agricultural lands, or dry grazing lands, such classification to be based upon information obtained from the Surveyor General's office, or from the locating agent selecting such lands under said Act of Congress. All moneys received on account of sales of such lands, after deducting all necessary costs, salaries and expenses that may have been incurred in the management, protection and sale of said lands, shall be deposited with the Territorial Treasurer and by him placed as separate funds for the benefit and to the credit of the respective institutions and purposes for which said lands were granted. Except, where some other provision has been made for the disposal of funds arising from the sale of said lands, such funds are hereby made available for the use of such of said institutions as has been created and located, for the establishment of permanent equipment or improvement thereof, or for investment, and may be drawn in the manner now provided by law for drawing other funds, upon resolutions of the board of regents or other governing body of the institution requiring the same, stating that the money is required for one or more of the above mentioned purposes, to be specified in the resolution, and no part of the principal of such funds shall be used for current expenses, salaries, or any other form of maintenance, but the income derived from the investment of such funds may be so used. When two such institutions are included in the same designation in said Act of Congress, the fund appertaining to the institutions so designated shall be equally divided between them, and the lands so granted shall be held for their benefit in like proportion."

Sec. 14. That section thirty-three (33) of said Act is amended to read as follows: "Sec. 33. The said Board of Public Lands shall adopt a seal, and all contracts, leases and deeds necessary to carry into effect the provisions of this act, shall be signed by the Governor and attested by the Commissioner of Public Lands, with the seal of said Board affixed, and all such contracts, leases and deeds heretofore or hereafter so executed shall be entitled to record without acknowledgment, and the record thereof in the county in which the land affected thereby is situate, shall constitute constructive notice, to all persons, of the contents thereof."

Sec. 15. That section thirty-four (34) of said Act is amended to read as follows: Sec. 34. There is hereby created a Commission of Irrigation, to consist of five members, to be appointed by the Governor, with the advice and consent of the Legislative Council, to serve for two years and until their successors are appointed. Said Commission shall elect from among their members a president and secretary. It shall be the duty of said Commission to investigate and select the most suitable sites for permanent reservoirs for irrigation purposes, and for the improvement of the Rio Grande, and also to designate such tracts of public land capable of irrigation from such reservoirs, as it would, in their judgment, be advisable to locate and select for the Territory under said Act of Congress, in order to secure the benefit of the enhanced value of the lands, resulting from the establishment and construction of such reservoirs, for which purposes said Commission may employ all necessary expert assistants; and such Commission shall notify the Commission authorized to select such lands, of the location of such reservoir sites and public lands available for irrigation thereunder. And the funds derived from the sale or lease of any lands, donated to the Territory under the Act of Congress hereinbefore referred to, for the establishment of permanent reservoirs and the improvement of the Rio Grande, shall be expended or invested by the Territorial Treasurer under the direction of the Commissioner of Public Lands, with the approval of said Irrigation Commission, for the purpose of aiding and securing the establishment of permanent water reservoirs, as herein or hereafter prescribed by law. Whenever any person, association or corporation shall have obtained the right to appropriate and acquire the lawful use and ownership of water sufficient for the permanent cultivation and irrigation, by means of reservoirs, of lands belonging to this Territory which may have been selected for the establishment of permanent water reservoirs for irrigating purposes under the Act of Congress aforesaid, and shall satisfy the Irrigation Commission of their good faith and ability to so construct the same if aided and assisted by a contract for the sale of a portion of said lands so belonging to said Territory for said purpose, then it shall be lawful for the Commissioner of Public Lands, with the approval of said Irrigation Commission, to contract with such person, association or corporation that in the event of the construction of such reservoir or reservoirs whereby sufficient water for the permanent irrigation and cultivation of said lands shall be secured, the Territory will pay to such person, association or corporation so constructing such reservoir or reservoirs, in aid of such construction, and after the same shall have been

constructed and completed to the satisfaction of said Irrigation Commission, such proportion not exceeding seventy-five per cent. as said Board may deem advisable of the proceeds of leases and sales of such of said lands granted and located for reservoir purposes as may be rendered capable of permanent irrigation and cultivation by means of such construction, or which may be necessary for right of way or occupation for such reservoirs, and the structures appurtenant thereto, not exceeding fifty thousand acres in all for any one irrigation enterprise, and not exceeding in any case the amount of money actually expended for such construction. And upon the due completion of said construction, to be evidenced by a certificate to that effect by the Irrigation Commission, filed and recorded in the office of the Commissioner of Public Lands, in such form and manner and under such regulations as may be prescribed by said Commissioner of Public Lands, the person, association or corporation so constructing such reservoir shall be entitled to receive from the Territorial Treasurer out of the fund appertaining thereto, upon the warrant of the Auditor, such agreed proportion of the proceeds of lands as aforesaid, not exceeding fifty thousand acres for any one enterprise, as in such contract provided, as and when the said proceeds may be realized. Said Irrigation Commission shall, at least thirty days before the meeting of the Legislature, make a report to the Governor embracing all available information concerning the best method of improving the Rio Grande and increasing the surface flow of the water in the bed of the river; also concerning the subject of irrigation and water supply, the quantity of land in the Territory cultivated by means of irrigation, the extent of the present and proposed system of storage reservoirs, the conditions existing in different parts of the Territory with reference to irrigation and water rights, and such other facts as they may deem proper, together with recommendations as to needed legislation on any of such subjects. The members of said Irrigation Commission shall each be entitled to a compensation of five dollars per day for each day actually necessary to perform the duties herein required, not exceeding twenty days in any one year, and their necessary expenses, as a compensation for the services herein required to be performed by them. All expenses incurred by the Commission, to be certified by the secretary thereof and approved by the president, shall be paid out of the proceeds of the land leased and sold under this Act which are credited to the fund for the establishment of permanent reservoirs for irrigating purposes and the improvement of the Rio Grande."

Sec. 16. The said Board of Public Lands is authorized to

pay out of the proceeds of sales of the public lands heretofore made, the sum of One Thousand Dollars for the services of attorneys at Washington, rendered and to be rendered employed under direction of said Board in securing action on the approval of land selections in the Department of the Interior.

Sec. 17. This act shall take effect and be in force from and after its passage.

CHAPTER LXX.

AN ACT FIXING THE TIME FOR HOLDING THE TERMS OF DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT OF THE TERRITORY OF NEW MEXICO. *C. B. No. 59; Approved March 20, 1901.*

CONTENTS.

Section 1. Times of Holding Court in the Counties of San Miguel, Union, Colfax, Guadalupe and Mora.

Section 2. Returns.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The regular terms of the District Court for the Fourth Judicial District of this Territory shall hereafter be held and commenced as follows: In the county of San Miguel, at the County Seat of said County, commencing on the second Mondays of May and November in each year; in the County of Union, at the county seat of said County, commencing on the first Mondays of March and September in each year; in the County of Colfax, at the county seat of said county, commencing on the third Mondays of March and September in each year; in the county of Guadalupe, at the County seat of said county, commencing on the second Mondays of April and October in each year; in the County of Mora, at the county seat of said county, commencing on the fourth Mondays of April and October in each year.

Section 2. Every writ, summons, bond, recognizance, subpoena, or other process whatever, which has been issued or taken out from the District Court for any county in said District, shall be returnable at the times and places designated in section 1 of this act, and shall have the same force and effect as if the same had been made returnable at the times and places mentioned in said section 1 of this act.

Section 3. This act shall take effect from and after its pas-

sage, and all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER LXXI.

AN ACT TO REPEAL SUB-SECTIONS 31 AND 32 OF SECTION 2402 OF THE COMPILED LAWS OF THE TERRITORY OF NEW MEXICO, COMPILED 1897, AND TO ENACT THE FOLLOWING LAW IN LIEU THEREOF. C. B. No. 54; Approved March 20, 1901.

CONTENTS.

Section 1. Municipalities Empowered to Regulate the Construction of Buildings.

Section 2. Fire Limits may be Established.

Section 3. Buildings may be Removed.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That sub sections 31 and 32 of section 2402 of the Compiled Laws of the Territory of New Mexico for the year 1897, be, and the same are hereby repealed, and in lieu thereof it is enacted that the City Council and Board of Trustees of municipalities of the Territory of New Mexico, whether incorporated under general or special laws, shall have power to prescribe the thickness, strength and manner of constructing stone, brick and other buildings in said municipalities, and the construction of fire escapes thereon, and the distance from the street line they shall be built.

Section 2. And for the purpose of guarding against the calamities of fire, shall have power to establish fire limits within said municipalities and to prescribe the materials of which buildings shall be built therein, and to prevent within the said fire limits, the erection, repair, enlargement, alteration, or removal from outside said fire limits, therein, or from one place to another therein, of any building or structure the outside walls of which are built of wood, or other inflammable material.

Section 3. And shall have power to require the removal from said fire limits of any building or structure which by reason of fire, or decay, has become deteriorated and objectionable, and to prescribe by general ordinance the manner of ascertaining the damages, if any, due to the owner of said building in consequence of its removal.

Section 4. This act shall be in full force and effect from and after its passage.

CHAPTER LXXII.

AN ACT FOR THE CONSTRUCTION AND MAINTENANCE OF
SEWERS IN THE TOWNS AND CITIES OF THE TERRITORY.*C. B. No. 68; Approved March 20, 1901.*

CONTENTS.

- Section 1. Map and Specifications to be Prepared by Engineer. Estimates of Cost Under Oath. Bonds May be Issued.
- Section 2. Assessments May be Made Against Real Estate. Notice of Assessment to be Published.
- Section 3. Proceedings May be Stayed by District Court.
- Section 4. Certified Copy of Assessment to be Made and Delivered to Assessor.
- Section 5. Times of Payment of Assessments. Issue of Sewer Certificate. Proviso.
- Section 6. Bids to be Received. Contractor to Give Bond.
- Section 7. Sewerage Rates a Lien Upon Premises.
- Section 8. Sewers May be Reconstructed.
- Section 9. Power to Enforce and Collect Rates.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Whenever it shall be necessary and proper in the opinion of the City Council or Board of Trustees of any municipality in this Territory, whether incorporated under general or special laws, to have constructed and maintained a sewer or sewers in said municipality, or any portion of the same, they shall by resolution, entered of record declare the same, and shall cause to be prepared by the city or town engineer, or some other competent engineer, a map of the proposed sewer district, together with the lots or pieces of land situate therein, and shall, in said map have traced the commencement, and course of said sewer or sewers, and shall have attached to said map, a specification of the material of which said sewer or sewers shall be constructed, whether of stone, brick, pipe or other material, and the size of the same, and at what depth below the grade of the streets the same shall be constructed, and shall direct said engineer to make, under oath, and file the same with the city or town clerk, a carefully prepared estimate of the approximate cost of said sewer or sewers, and upon the filing of said estimate, said City Council or Board of Trustees, shall elect what portion, in whole or in part, of the cost of said construction shall be paid from the general revenues of the city or town, or what portion in whole or in part, shall be assessed against the lots and pieces of land situate in said sewer district and abutting on

the line of said sewer or sewers, or so near thereto as to be, in the opinion of said City Council or Board of Trustees, benefited by the construction of said sewer or sewers with the power of issuing bonds to realize money to pay for the construction of said sewer or sewers in whole or in part, according to the law existing, if any, providing for the issue of said bonds.

Section 2. And if said City Council or Board of Trustees, shall elect to assess against said lots and pieces of land abutting on said line of sewer or sewers, or so near thereto as to be in the opinion of said City Council or Board of Trustees benefited by the construction of said sewer or sewers, a part or all cost of said construction, they shall record the amount elected to be so assessed and shall proceed to apportion said amount among said lots and pieces of land, fairly and justly to the best of their ability, according to the value of the said lots and pieces of land, and the improvements thereon, erected respectively, and the benefits accruing to the said lots and pieces of land, and shall apportion said amount to be so assessed among said lots and pieces of land, and shall, for one month in some newspaper published within the limits of said municipality where said sewer or sewers are to be built, or if there be no daily newspaper there published, then for four successive weeks, in some weekly newspaper there published, a notice containing a brief description of the lots and pieces of land to be so assessed, and the amount to be assessed against each, and shall, in said notice, state that according to the provisions of this act, any owner or owners in whole or in part, or their legal representatives, have the right within ten days after the date of the last publication of said notice, stating the date, to bring suit in the district court having jurisdiction according to the law then existing over the controversy, to review the action of the said City Council or Board of Trustees.

Section 3. Said District Court shall have power to consider the legality of the proceedings and fairness and justness of the assessments made against the said different lots and pieces of land, but no irregularities in the proceedings not affecting the substantial rights of the plaintiffs, or any of them, shall be sufficient to annul or alter the action of the said City Council or Board of Trustees, and said District Court shall, as soon as it can conveniently be done, decide whether it will, by injunction or other proceedings, stay any further action of said City Council or Board of Trustees, in proceeding further in the matter of the said assessments against said lots and pieces of land.

Section 4. That any time after proof of publication in the newspaper as above provided for, said City Council or Board of Trustees, shall, unless restrained by process from said District Court, direct the Clerk of said municipality to make a certified copy of said assessment, and said certified copy, shall by said clerk, be delivered to the County Assessor, or other proper officer directed by law to assess property for municipal purposes and said assessor or other officer shall enter said assessments in said assessment book with a heading for the same as follows, to-wit:

Special Assessment For Sewers Of.....
(Naming the municipality). And the said assessments from the time of the entry thereof in said assessment book, shall be and become liens on the lots and pieces of land respectively on which the said assessments have been made, and the full amount of said assessments shall be enforced and collected in the manner now provided by law for the collection of taxes against real estate, when such taxes amount to more than twenty-five (\$25.00) dollars.

Section 5. Said assessments may be made payable in three annual payments. The first payment to be made at the time the general taxes of said municipality are next due, whether it be a semi-annual or annual time for the payment of the same. The second payment one year thereafter, and the third payment two years thereafter. Interest at the rate of 10 per cent per annum shall be charged upon any balance and amounts not paid when the same are due. But the property owner, may at his option pay any installment, or the whole of said assessment before the same is due, and interest thereon shall cease from the time of said payment, and the said City Council or Board of Trustees are hereby authorized to issue certificates to be designated "Sewer Certificates", to the amount of said assessment payable one quarter in one year, one quarter in two years, one quarter in three years, and one quarter in four years, from the date of the issuance of said certificates. Said certificates shall be issued for convenient amounts; shall be negotiable in form; and shall bear interest from date, at the rate of ten per cent per annum. Said certificates shall be issued to the person or persons, entitled to receive the same and shall state that they are issued in payment of the construction of the said sewer or sewers. They shall be payable from money received from the said assessments: *provided however*, that any deficiency of said fund to pay said certificates, shall be paid from the general revenues of said municipality. And said certificates may be redeemed

at the option of the municipality issuing them at any time before maturity.

Section 6. Said City Council or Board of Trustees are hereby empowered at any time after receiving the estimate provided for in Section 1, of this act, to advertise for bids for the construction of said sewer or sewers, and enter into a contract with the lowest responsible bidder, who shall properly bind himself together with two or more sufficient sureties, to properly construct said sewer or sewers, and nothing in this act with reference to said assessments shall prevent said City Council or Board of Trustees from proceeding with the construction of said sewer or sewers.

Section 7. The provisions of sub-sections 77 and 78 of section 2402 of the Compiled Laws of the Territory of New Mexico, for the year 1897, shall apply to, and extend to any sewer or sewers constructed under the provisions of this act, and the said special assessments provided for in said two sub-sections shall be called "sewerage rates," and they shall be a lien upon the premises upon which they are properly assessed, and shall be collected in the manner now provided by law, for the collection of taxes on real estate.

Section 8. Full power and authority is hereby given to any municipality referred to in section 1, of this act, now having a sewerage system or sewers, to reconstruct or enlarge said system according to the provisions of this act.

Section 9. Full power is hereby given to any municipality referred to in section 1 of this act, organized under special charter, to levy, enforce and collect, the sewerage rates mentioned in sub-sections 77 and 78 of section 2402 of the Compiled Laws.

Section 10. This Act shall be in full force and effect from and after its passage.

CHAPTER LXXIII.

AN ACT PROVIDING FOR A CAPITOL CUSTODIAN COMMITTEE,
AND REPEALING SECTIONS 3468, 3469, 3470, 3471, AND
3472 OF THE COMPILED LAWS OF 1897. *H. B. No. 200;*
Approved March 21, 1901.

CONTENTS.

- Section 1. Capitol Custodian Committee. How Constituted.
Section 2. Organization. Duties. Place of Meeting.
Section 3. Control of Capitol Building and Grounds.
Section 4. Time of Meeting. Payment of Bills. To Serve Without Compensation.
Section 5. Books, Papers and Property to be Turned Over. Penalty.
Section 6. Repeal of Sections 3468, 3469, 3470, 3471 and 3472, Compiled Laws 1897.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Hereafter the Capitol Custodian Committee shall consist of the Commissioner of Public Lands and two other persons who shall be qualified voters and taxpayers, to be appointed by the Governor, as other territorial officers; they shall qualify by taking the oath of office, and serve for the same time; and vacancies shall be filled, as is provided by law for filling vacancies in other territorial offices.

Sec. 2. Such Committee, within ten days after the passage of this act, shall meet in the Capitol Building at Santa Fe, in the office of the Commissioner of Public Lands, and organize by the election of one of their number as president, and the Commissioner of Public Lands shall be the Secretary of said Board. The president shall preside at all meetings of the Committee, and sign any and all contracts or other papers necessary and ordered by the Committee on its behalf, and in his absence the members present shall elect a president pro tem. who shall have and exercise all the duties and powers of the president. The secretary shall keep a full and complete record of all the transactions of the Committee, in a book to be kept by him for that purpose, attest all contracts and orders drawn or made by the Committee, and keep a full and complete financial record of the moneys received and disbursed by the Committee, and on what account, and make a report thereof at each meeting of the Committee, so that it may be fully informed of the financial standing at each meeting, and at the end of each year, on the 31st day of December,

shall make, for the information of the Committee, a full and complete resume of its doings and expenditures during the preceding year. He shall have the custody and control of all deeds, maps, plats, plans and specification connected with the Capitol Building and grounds, and of all contracts or other books or papers connected therewith, and shall safely keep same in the vault provided for the Commissioners of Public Lands of the Territory, whose office is hereby designated as the regular place of meeting of said Committee.

Sec. 3. Such Capitol Custodian Committee shall have the care, custody and control of the Capitol Building, and grounds and premises connected therewith. It shall be the duty of such committee to suitably provide for the preservation, repair, care, cleaning, heating, and lighting, of such Building, and the improvement, care and beautifying of such grounds and premises, and for this purpose are given full power and authority to employ the necessary number of employees, and to fix the terms of their employment, and the amount of their compensation, and to provide and enforce all rules and regulations for the conduct of such employees, and to make all necessary rules and regulations for the conduct of persons in and about the building and on the grounds thereof, necessary and proper for the safety, care and preservation of the same; and such Committee is further authorized to contract and provide for the necessary fuel, light, water and other things necessary and requisite for said building and grounds connected therewith.

Sec. 4. Such Committee shall meet monthly at the office of the Commissioner of Public Lands, in the Capitol Building, for the purpose of transacting the necessary business pertaining to such Committee, and at each meeting it shall examine, and audit and allow all claims due and owing on account of wages, or salary, or on account of any contracts made by such Committee for fuel, light, water, or other articles, which allowances shall be entered in full upon the record kept by such committee, and upon presentation of a copy of such allowance duly certified to by the secretary of such Committee to the Territorial Auditor it shall be his duty to draw his warrant for the amount thereof upon the Territorial Treasurer, in favor of the person to whom such allowance is made. *Provided*, that a pay roll shall be prepared, similar in style and form to that now in use for the payment of employees of the Penitentiary, which shall be used by the Capitol Custodian Committee in certifying the allowances for regular or special employees in and about the said Capitol Building and

grounds. Each member of said Committee shall serve without compensation.

Sec. 5. The former Custodian Committee shall, immediately upon demand made by the Secretary of the Committee created by this act, turn over to said secretary all books, papers, vouchers, plans, specifications, deeds, or any other property belonging or pertaining to the said Capitol Building and grounds, or its business, and any failure of said board or any member thereof to comply with this section shall be deemed a misdemeanor, and may be punished by a fine of not to exceed one hundred dollars, or imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment.

Sec. 6. Sections 3468, 3469, 3470, 3471 and 3472 of the Compiled Laws of 1897, and all other acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER LXXIV.

AN ACT TO AMEND THE FIRST SUBDIVISION OF SECTION 4141 OF THE COMPILED LAWS OF 1897, RELATING TO PEDDLERS. *H. B. No. 150; Approved March 21, 1901.*

CONTENTS.

Section 1. Written Notice May be Served Personally.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

amended
1903
27, sec. 1. Section 1. That the first subdivision of section 4141 of the Compiled Laws of 1897 be and the same is hereby amended by adding thereto the following words:

"And all persons who may engage in any itinerant trade by sample or otherwise, selling at retail to individual purchasers who are not dealers in the article sold, shall be considered peddlers within the meaning of this act."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage and approval.

CHAPTER LXXV.

AN ACT TO AMEND SECTIONS 1 AND 2 OF AN ACT ENTITLED "AN ACT TO PREVENT DROVES, HERDS OR FLOCKS OF ANIMALS FROM TRESPASSING UPON PRIVATE LANDS AND WATER," HERETOFORE PASSED BY THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY, BEING COUNCIL BILL NO. 60. *H. B. No. 233; Approved March 21, 1901.*

CONTENTS.

Section 1. Written Notice May be Served Personally.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section one (1) of An Act entitled an act "to prevent droves, herds or flocks of animals from trespassing upon private lands and water," heretofore passed by the 34th., Legislative Assembly, being Council Bill No. 60, be amended by adding at the end of said section the following: "Or shall serve personal written notice giving description of such land by government surveys or by metes and bounds."

*see p. 5
chap. 2*

Sec. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXVI.

AN ACT PROVIDING FOR ADDITIONAL BUILDINGS FOR THE NEW MEXICO INSANE ASYLUM AT LAS VEGAS. *C. B. No. 99; Approved March 21, 1901.*

CONTENTS.

Section 1. Authorizing Bond Issue in Sum of Twenty-five Thousand Dollars.

Section 2. Issued and Negotiated Under Direction of Territorial Treasurer. Expenditure of Proceeds. Proviso.

Section 3. Payment of Bonds and Interest. Tax Levy to Meet Deficiencies. Board of Public Lands to Furnish Statement.

Section 4. Territorial Treasurer Custodian of Funds.

Section 5. Lands to be Sold by Board of Public Lands.

Section 6. Amount of Bond Issue to be Diminished.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. An issue of bonds of the Territory of New Mexico is hereby authorized and directed to be made in the sum

*see 2. 191
p. 146*

of twenty-five thousand dollars, to be known as the New Mexico Insane Asylum bonds, such bonds shall be issued in the denominations of one thousand dollars each, bearing interest at the rate of five per cent. per annum, the interest payable semi-annually on the first days of January and July, and principal and interest payable at the Western National Bank, at the City of New York, in the state of New York; said bonds shall be signed by the Governor and Treasurer of the Territory and countersigned by the Auditor of Public Accounts, and shall be made payable in twenty years from July 1st, 1901, but redeemed at pleasure of the Territory at any time after ten years from their date, which shall be July first, 1901.

Section 2. Said bonds shall be issued and negotiated under the direction of the Treasurer of the Territory and the proceeds thereof delivered to the Board of Directors of the New Mexico Insane Asylum, and by them shall be used in the erection, and equipment of suitable additional buildings on the grounds of said Asylum under the direction of said Board of Directors for the benefit of the Asylum. *Provided, However,* Said bonds shall not be sold under their face value.

Section 3. For the purpose of providing funds with which to meet the payment of the said bonds and the interest thereon as the same accrues, it is hereby enacted; First, that all rents derived from the lands donated to said Insane Asylum by the act of Congress approved June the 21st, 1898, entitled, "An Act to make certain grants of land to the Territory of New Mexico, and for other purposes," and which have been hertofore or may be hereafter set apart to said Insane Asylum under the provisions of said Act of Congress, shall be appropriated to the payment of the interest on said bonds as the same accrues, and said rentals shall not be used for any other purpose unless there should be a surplus of funds derived from said rentals remaining after the payment of said interest, in which event, said surplus shall become a part of a sinking fund to be used in paying said bonds when due; and if said rentals shall at any time be insufficient for paying said interest when due, the auditor of public accounts of the Territory is hereby directed to levy annually a tax sufficient to pay any such deficiency and for the purpose of enabling the said levy to be made the Board of Public Lands shall furnish the auditor a statement showing the amount of lands rented, and an estimate of the probable amount which will be realized therefrom each year; and, second, there shall be set apart and appropriated out of the proceeds of the sale of the first twenty-five thousand acres of the said land so

donated and set apart to said Insane Asylum under the provisions of said Act of Congress, all of the moneys derived from said sales, until same, in connection with rentals set apart as aforesaid, if any, shall reach a sufficient sum to pay off the principal of said bonds and also to pay all interest thereon, which may have accrued, and been paid by the Territory out of other funds than those derived from rentals of said land, or which may accrue or become due thereon from time to time.

Section 4. All funds realized from said rentals and the sale of said twenty-five thousand acres of said land or so much thereof as may be necessary to provide for the payment of said bonds principal and interest, shall be set apart and paid over to the Territorial Treasurer of the Territory as custodian, to be by him paid out only in payment of the interest on said bonds as the same accrues and in payment of said bonds when payable. *Provided*, Any moneys coming into the hands of the custodian as interest upon said sinking fund shall be made a part of said fund.

Section 5. In event sufficient funds have not been realized from the sale and rentals of said lands for the payment of said bonds, principal and interest, on the first day of January, A. D., 1921, then, said twenty-five thousand acres of land, or so much thereof remaining unsold at that time as may be necessary, shall be at once put upon the market and sold by the Board of Public Lands under such regulations and laws as may then be in force, and the proceeds realized from such sale shall go to pay any part of said bonds and interest then unpaid when due, and to reimburse the Territory for all interest paid by it and remaining unpaid in accordance with section four, thereof.

Section 6. Whenever it is proposed to issue any bonds under this act, or under any similar act relative to any other Territorial Institution, and there is at the time of such issue, any moneys in the hands of the Territorial Treasurer arising from the sale of the lands appertaining to such institution to the credit of such institution, the amount of the bonds authorized to be issued, shall be diminished by the amount of money so on hand, which amount shall be paid over to the several institutions by the Treasurer, upon the warrant of the Auditor on requisition from the Board of Regents, to be used by them for the same purpose for which the bonds are authorized to be issued.

Section 7. All the acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force immediately after its passage.

CHAPTER LXXVII.

AN ACT REQUIRING CORPORATIONS TO PUBLISH THEIR ARTICLES OF INCORPORATION. C. B. No. 48; *Approved March 21, 1901.*

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CONTENTS.
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Section 1. Certified Copy of Articles of Incorporation to Be Published.

Section 2. Certificate of Publication to be Filed With the Secretary of New Mexico.

Section 3. Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Hereafter every corporation desiring to organize under the laws of this Territory, and every foreign corporation in addition to other requirements now provided by law, desiring to do business under the laws of this territory, shall, within thirty days from the date of the filing of its articles of incorporation with the Secretary of the Territory, cause to be published a certified copy of its articles of incorporation in some newspaper of general circulation in the county where its principal place of business is designated, and in the case of foreign corporations in the county wherein resides the agent of said corporation upon whom process may be served.

Section 2. A certificate of such publication, properly sworn to by the publisher, shall be filed with the Secretary of the Territory within twenty days after the date of the last publication.

Section 3. Any corporation, domestic or foreign, neglecting or refusing to comply with the provisions of this act shall be fined in a sum not less than one hundred dollars for each and every day it shall so refuse and neglect to comply with the provisions of this act; and upon complaint properly lodged with the Solicitor General of this Territory, in a proceeding to be brought by him, the articles of incorporation and charter of the corporation so violating the provisions hereof shall be vacated, and thereafter shall not be permitted to conduct or operate any business in this territory.

Section 4. This act shall take effect and be in force from and after its passage.

see Chap. 1 Title 5, p. 205
C. B. No. 48
see p. 1905
43
cc. 2.

CHAPTER LXXVIII.

AN ACT TO AMEND SECTION 1556 OF THE COMPILED LAWS
OF 1897. *H. B. No. 99; Approved March 21, 1901.*

CONTENTS.

Section 1. No Distinction Because of Race or Nationality to be Made in Public Schools. Penalty.

Section 2. Removals to be Made for Violation.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Sec. 1. That section 1556 of the Compiled Laws of 1897, of the Territory of New Mexico shall be amended by adding at the end of said section the following: "That any Teacher School Directors or members of any Board of Education connected with the common schools in this Territory who shall refuse to receive any pupil at school on account of race or nationality the said pupil being entitled to attend school in said District as heretofore provided, shall be guilty of a misdemeanor and upon conviction before any Justice of the Peace or District Court, shall be fined in a sum of not less than fifty dollars nor more than one hundred, and imprisoned in the County Jail, for three months, and shall be forever barred from Teaching school or to hold any office of honor or profit in this Territory.

Sec. 2. That the Superintendent of the County is by this act required to summarily remove from office or employment any person violating the provisions of the preceding section, and upon failure to do so he shall be removed from office by the Superintendent of Public Instruction, who is hereby authorized and empowered to fill said vacancy.

Sec. 3. This act shall be in force and effect from and after its passage.

CHAPTER LXXIX.

AN ACT PROVIDING FOR GEOLOGICAL SURVEYS IN THE TERRITORY OF NEW MEXICO. C. B. No. 27; *Approved March 21, 1901.*

CONTENTS.

Section 1. Tax Levy Authorized.

Section 2. Geological Survey Fund Created.

Section 3. Disbursements to be Made by the Secretary of the Interior.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That for the purpose of making geological surveys in the Territory of New Mexico the Auditor of the Territory of New Mexico is hereby directed and shall make a levy of one quarter of a mill on each dollar of taxable property in the Territory of New Mexico, at the same time and in the same manner as taxes for other territorial purposes are now required to be levied; and he shall certify the same to the various Boards of County Commissioners of the several counties in this Territory, in the same manner, during each of the fifty-second and fifty-third fiscal years.

Section 2. The proceeds of such tax, when collected, shall be placed by the Territorial Treasurer in a special fund to be known and called, "The Geological Survey Fund," and whenever the Secretary of the Interior Department of the United States shall certify, as hereinafter provided, that funds of the United States are available and will be expended by the United States for the making of Geological surveys in the Territory of New Mexico, a like amount and sum from said "The Geological Survey Fund," shall be paid to the said Secretary of the Interior, as hereinafter provided, for the making of such surveys in this Territory under the Geological Bureau of the United States and the direction of the said Secretary of the Interior, and no greater sum of said "The Geological Survey Fund," shall be expended for that purpose by the United States.

Section 3. "The Geological Survey Fund," shall be disbursed upon the requisition of the Secretary of the Interior Department of the United States, drawn upon the Auditor of the Territory of New Mexico, who shall upon the receipt of such requisition, and the certificate of said Secretary of the Interior, that a sum equal to the amount of such requisition

has been appropriated by the United States and is available and will be used for the making of Geological surveys in New Mexico under the Geological Bureau of the United States and direction of said Secretary of the Interior, audit said requisition and draw his warrant in favor of said Secretary of the Interior Department upon the Treasurer of the Territory of New Mexico for the amount of said requisition, and the said Treasurer shall thereupon pay to the Secretary of the Interior Department the amount of said warrant out of said, "The Geological Survey Fund."

Section 4. This act shall take effect from and after its passage.

CHAPTER LXXX.

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE DISTRICT ATTORNEY OF M'KINLEY COUNTY, AND FOR OTHER PURPOSES. *H. B. No. 239; Approved March 21, 1901.*

CONTENTS.

Section 1. District Attorney for the Second Judicial District, Attorney for McKinley County. Salary.

Section 2. Fees to be Paid From Court Fund.

Section 3. Fees May be Paid by County Commissioners for Services in Defense of County.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the district attorney of the Second Judicial District shall be the district attorney of McKinley County and shall receive an annual salary of two hundred dollars for services required to be performed for the said county as now provided by law, which said salary shall be paid by said county at the times and in the manner county officials are paid.

Section 2. The fees of district attorneys for services rendered in the prosecution of criminal cases in the various counties, shall hereafter be paid out of the court funds of the respective counties in which such prosecutions are begun, upon an order of the judge of the district court of the county in which the crime is alleged to have been committed.

Section 3. The boards of county commissioners in this Territory may pay district attorneys for services in defending suits against counties or the boards of county commissioners thereof, in the district courts, and for all services

rendered in such suits in the Supreme Court of the Territory or other appellate tribunal, such reasonable fees and compensation as in the judgment of the said boards the said district attorneys may be entitled to, but no such fees or compensation shall be paid unless the judge of the district court of the county for which the services shall be performed, shall certify that the amount thereof is just and reasonable and ought to be paid, but such certificate by the judge shall not be deemed conclusive or binding on the county commissioners.

Section 4. All acts contrary to the provisions hereof are hereby repealed, and this act shall be in force immediately after its passage.

CHAPTER LXXXI.

AN ACT TO PROVIDE A METHOD OF PROCEDURE IN THE ADMINISTRATION OF ESTATES OF DECEASED PERSONS, TO DEFINE THE DUTIES OF ADMINISTRATORS AND EXECUTORS, AND PROVIDING A METHOD OF APPEAL FROM PROBATE COURTS TO DISTRICT COURTS, AND FOR OTHER PURPOSES. *C. B. No. 41; Approved March 21, 1901.*

CONTENTS.

- Section 1. Special Administrator May be Appointed in Cases of Emergency.
- Section 2. Affidavit to be Made.
- Section 3. Non-Resident or Minor Executors.
- Section 4. Sections 1933, 1939, 1946, 1946, 1955 and 1961, Compiled Laws, Regarding Administration, Repealed.
- Section 5. Wills and Letters Testamentary.
- Section 6. Removal of Executors or Administrators. Failure to Protect Estates.
- Section 7. When an Executor or Administrator Becomes a Non-Resident.
- Section 8. Hearing in Cases of Removal.
- Sections 9 and 10. Inventories. Surviving Partner's Rights.
- Sections 11, 12, 13, 14 and 15. Administration of Partnership Estates.
- Section 16. Persons not Qualified to Act as Executors or Administrators.
- Section 17. Resignation of an Executor or Administrator.
- Sections 18 and 24. Inventory to be Filed.
- Sections 19, 20 and 21. Appraisement of Property.
- Sections 22 and 23. Claims Against Executors.
- Section 25. Final Settlement.
- Sections 26, 27, 28 and 29. Accounts and Manner of Settlement of Estates.
- Sections 30, 31, 32, 33 and 34. Duties, Privileges and Compensation of Executors and Administrators. *notice of application for settlement*
- Sections 35 and 37. Payment of Debts and Claims.
- Section 36. Liabilities of Executors.
- Section 38. Regarding Disinheritance.
- Section 39. When Deemed to Die Intestate. Rights of Heirs not named.

Section 40. Appeals to District Court.

Sections 41 and 42. Executors or Administrators Appointed in Other States or Territories or Foreign Countries.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 1941 of the Compiled Laws of 1897, *Amended*
is hereby repealed, and in lieu and stead thereof is enacted *L. 1907,*
the following: *P. 157.*

Section 1941. When for any reason there shall be delay in issuing letters testamentary or of administration, and the property of the deceased is in danger of being lost, injured or depreciated, the court or judge thereof may appoint a special administrator to take charge of the estate, who shall qualify in like manner, and have the powers and perform the duties of an administrator generally, except that he is not authorized to pay the debts of or otherwise discharge any obligation against the deceased. Upon the issuing of letters testamentary or of administration, the powers of the special administrator cease.

Section 2. That section 1943 of the Compiled Laws of 1897, be so amended as to read as follows:

Section 1943. A similar affidavit with variations, as the case may require, shall be made by all special administrators.

Section 3. If a person be named in a will as executor who is a non-resident of the Territory or a minor, upon the removal of such disability he is entitled to qualify as such executor, if he apply therefor within thirty days from the removal of such disability, if otherwise competent. If, in the meantime, an administrator with the will annexed has been appointed, his powers and duties cease with the qualification of such executor; but if another executor has qualified and is acting as such, they thereby become joint executors.

Section 4. That sections 1938, 1939, 1945, 1946, 1955 and 1961 of the compiled laws of 1897, are hereby repealed.

Section 5. If, after administration has been granted upon an estate, a will of the deceased be found and proven, the letters of administration shall be revoked and letters testamentary or of administration with the will annexed shall be issued; and if after a will has been proven, and letters testamentary or of administration with the will annexed have been issued thereon, such will should be set aside, declared void or inoperative, such letters shall be revoked, and letters of administration issued.

Section 6. Any heir, legatee, devisee, creditor or other per-

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son interested in the estate may apply to the District Court for the removal of any executor or administrator who has become of unsound mind, or been convicted of any felony, or a misdemeanor involving moral turpitude, or who has, in any way, been unfaithful to or neglected his trust, to the probable loss of the applicant. Such applicant shall be by petition, and upon notice to the executor or administrator, as provided by law in civil actions, and if the court find the charge to be true, it shall make an order removing such executor or administrator, and revoke his letters. And in event any executor or administrator shall fail or refuse to institute any action at law or suit for the benefit of the estate which he represents, or for the benefit of any person or persons claiming to be interested therein, or shall fail or refuse to defend any suit or action affecting such estate or the rights of any persons interested therein, the person or persons interested in such estate or whose rights may be affected by the failure of such executor or administrator either to institute or defend any such action, may apply to the Judge of the District Court for the appointment of a guardian *ad litem* whose duties shall, in such cases be, to prosecute or defend the action mentioned in the application for the appointment of such guardian *ad litem* for the benefit of such estate or the persons interested therein, or either or both, as the case may be.

Section 7. If an executor or administrator become a non-resident of this territory, he may be removed and his letters revoked in the manner prescribed in the last section, except that the notice may be given by publication for such time as the court or judge thereof may direct.

Section 8. Whenever it appears probable to the court or judge that any of the causes for removal of an executor or administrator exist or have transpired, as specified in section 6 of this act, it shall be the duty of such court or judge to cite such executor or administrator to appear and show cause why he should not be removed, and if he fail to appear or show sufficient cause, an order shall be made removing him and revoking his letters; and it is the duty of the court or judge thereof to exercise a supervisory control over an executor or administrator, to the end that he faithfully and diligently perform the duties of his trust according to law.

Section 9. The executor or administrator of a deceased person, who was a member of a co-partnership, shall include in the inventory of such person's estate, in a separate schedule, the whole of the property of such partnership; and the appraisers shall estimate the value thereof, and also the value of each person's individual interest in the partnership

property, after the payment or satisfaction of all debts and liabilities of the partnership.

Section 10. After the inventory is taken, the partnership property shall be in the custody and control of the executor or administrator, for the purpose of administration, unless the surviving partner shall, within five days from the filing of the inventory, or such further time as the court or judge may allow, apply for the administration thereof, and give the undertaking therefor hereinafter prescribed.

Section 11. If the surviving partner apply therefor, as provided in the last section, he is entitled to the administration of the partnership estate, if he have the qualifications and competency required for a general administrator. He is denominated an administrator of the partnership, and his powers and duties extend to the settlement of the partnership business generally, and the payment and transfer of the interest of the deceased in the partnership property remaining after the payment or satisfaction of the debts and liabilities of the partnership, to the executor or general administrator within six months of the date of his appointment, or such further time, if necessary, as the court or judge may allow. In the exercise of his powers and the performance of his duties, the administrator of the partnership is subject to the same limitations and liabilities, and control and jurisdiction of the court, as a general administrator.

Section 12. The undertaking of the administrator of the partnership shall be in a sum not less than double the value of the partnership property, and shall be given in the same manner and be to the same effect as the undertaking of a general administrator.

Section 13. In case the surviving partner is not appointed administrator of the partnership, the administration thereof devolves upon the executor or general administrator; but before entering upon the duties of such administration, he shall give an additional undertaking in double the value of the partnership property.

Section 14. Every surviving partner, on the demand of an executor or administrator of a deceased partner, shall exhibit and give information concerning the property of the partnership at the time of the death of the deceased partner, so that the same may be correctly inventoried and appraised; and in case the administration thereof shall devolve upon the executor or administrator, such survivor shall deliver or transfer to him on demand all the property of the partnership, including all books, papers and documents pertaining to the same, and shall afford him all reasonable information and

facilities for the performance of the duties of his trust.

Section 15. Any surviving partner who shall refuse or neglect to comply with the requirements of the last section, may be cited to appear before the court or judge, and unless he show cause to the contrary, the court or judge shall require him to comply with such section in the particular complained of.

*amended
403, p. 56
cc. 1.* Section 16. The following persons are not qualified to act as executors or administrators: non-residents of this territory; minors; judicial officers; persons of unsound mind, or who have been convicted of any felony, or of a misdemeanor involving moral turpitude; or a married woman.

Section 17. The court or judge thereof, in its discretion, may allow an executor or administrator to resign, when it appears that such executor or administrator has published a notice of his intention to apply therefor in some newspaper in the county for a period of three weeks prior to such application, and that he is not in default in any matter connected with the duties of his trust. If the application is allowed, he shall surrender his letters to be cancelled, and his powers as such shall cease from that time forward.

Section 18. That section 2023 of the compiled laws of 1897, is hereby repealed, and in lieu and stead thereof is enacted the following:

An executor or administrator shall, within one month from the date of his appointment, or, if necessary, such further time as the court or judge may allow, make and file with the clerk an inventory, verified by his own oath, of all the personal property of the deceased which shall come to his possession or knowledge.

*amended
405, p. 98.* Section 19. Before the inventory is filed, the property therein specified shall be appraised at its true cash value by three disinterested persons, who shall be appointed by the court or judge thereof; but if any part of the property shall be in a county other than that where the administration is granted, the appraisers thereof may be appointed by such court or judge, or the court or judge thereof of the county where the property shall be; in the latter case, a certified copy of the order of appointment shall be filed with the inventory.

Section 20. Before making the appraisement, the appraisers shall each take and subscribe an affidavit, to be filed with the inventory, to the effect that he will honestly and impartially appraise the property which shall be exhibited to him according to the best of his knowledge and ability.

Section 21. The appraisers shall appraise each article of property separately, and set down the value thereof in dollars

and cents, opposite the entry of the article in the inventory. Money, of whatever nature, that is a legal tender, is to be appraised at its nominal value; but debts, of all descriptions or kinds, are to be appraised at that sum which, in the judgment of the appraisers may be realized from them by due process of law. When the appraisement is completed, the inventory shall be signed by the appraisers.

Section 22. The naming any one executor in a will shall not operate to discharge such executor from any claim which the testator had against him, but the claim shall be included in the inventory; and if the person so named afterwards take upon himself the administration of the estate, he shall be liable for such claim as for so much money in his hands at the time the claim became due and payable; otherwise he is liable for such claim as any other debtor of the deceased.

Section 23. The discharge or bequest in a will of any claim of the testator against a person named as executor therein, or against any other person, shall, as against the creditors of the deceased, be invalid. Such claim shall be included in the inventory, and for all the purposes of administration is to be deemed and treated as a specific legacy of that amount.

Section 24. If, after the filing of the inventory, property not mentioned therein shall come to the knowledge or possession of the executor or administrator, it is his duty immediately to make an inventory thereof, and cause the same to be appraised in the manner prescribed in this act, and file the same with the clerk.

Section 25. That section 2005 of the compiled laws of 1897, be amended by striking out the words "Such final settlement shall be made within eighteen months from the date of his appointment, unless otherwise ordered by the court."

Section 26. At the first term of the court after filing of the first semi-annual account and each semi-annual account thereafter, the court shall ascertain and determine if the estate be sufficient to satisfy the claims presented and allowed, within the first six months or any succeeding period of six months thereafter, after the date of the notice of his appointment, after paying charges of the last sickness, funeral charges and expenses of administration; and if so, it shall so order and direct; but if the estate be insufficient for that purpose, it shall ascertain what percentum of such claims it is sufficient to satisfy, and order and direct accordingly.

Section 27. When the estate is fully administered, it shall be the duty of the executor or administrator to file his final account. Such account shall be verified by his own oath, and contain a detailed statement of the amount of money received *published by order Dec. 11, 1905 C. L. 189*

and expended by him, from whom received and to whom paid, and refer to the vouchers for such payments, and the amount of money and property, if any, remaining unexpended or unappropriated. Upon the filing of the final account, the court or judge thereof shall make an order directing notice thereof to be given in the same manner as the notice of an appointment of an executor or administrator, and appoint a day at some term subsequent thereto for the hearing of objections to such final account and the settlement thereof.

Section 28. An heir, creditor or other person interested in the estate may, on or before the day appointed for such hearing and settlement, file his objections thereto, or to any particular item thereof, specifying the particulars of such objections; but no creditor shall be allowed to object to such account whose claim has been satisfied as allowed, or established by judgment or decree.

Section 29. Upon the hearing, the court shall give a decree allowing or disallowing the final account either in whole or in part, as may be just and right; and such decree in any other action, suit or proceeding between the parties interested or their representatives is primary evidence of the correctness of the account as thereby allowed and settled.

Section 30. An executor or administrator is chargeable in his account with all the property of the estate which may come into his possession, at the value of the appraisement contained in the inventory, except as in this act otherwise provided.

Section 31. He shall not make profit by the increase in value of the property of the estate, nor suffer loss for the decrease in value or the destruction thereof, without his fault; and if any of the property of the estate sell for more than its appraised value, he shall account for the excess, and if any property sell for less than its appraised value, he shall not be responsible for the loss, unless occasioned by his fault. He shall not be accountable for the debts due the estate, if it appear that they remain uncollected without his fault. He shall not purchase any claim against the estate which he represents, and if he satisfies any such claim for less than its nominal value, he is only entitled to charge in his account the sum actually paid.

Section 32. An executor or administrator shall be allowed, in the settlement of his accounts, all necessary expenses incurred in the care, management, and settlement of the estate, including reasonable attorney fees in any necessary litigation or matter requiring legal advice or counsel. For his services he shall receive such compensation as the law provides; but

when the deceased, by his will, has made special provision for the compensation of his executor, such executor is not entitled to any other compensation for his services, unless he shall, within ten days after his appointment, subscribe and file with the clerk a written declaration renouncing the compensation provided by the will.

Section 33. Notwithstanding the provision in the will for the compensation of an executor, if the estate be insufficient to satisfy the claims against it, the court shall reduce such compensation so far as may be necessary to satisfy such claims, to an amount equal to what the executor would have been entitled if no such provision had been made.

Section 34. The executor or administrator may retain in his hands, in preference to any claim or charge against the estate, the amount of his own compensation and the necessary expenses of administration.

Section 35. A debt due and payable is not entitled to preference over one of the same class not due, if the latter be presented within the same period. A debt not due, whether contingent or absolute, upon being presented shall, if absolute, be satisfied by the payment of such sum as the court or judge thereof may prescribe by order, to be equal to its present value, and if contingent, by the payment into court for the benefit of the creditor, subject to the contingency, of a sum to be ascertained in like manner, equal to the present value.

Section 36. When, upon the filing of a semi-annual account, an order is made determining and prescribing the amount of assets applicable to the claims then presented, as provided by section 26 of this act, thereafter the executor or administrator is personally liable to each creditor included in such order for such amount.

Section 37. If all the charges and claims shall have been satisfied upon the first distribution of the assets, or as soon thereafter as they may be, the court or judge thereof shall direct the payment of legacies and the distribution of the remaining proceeds of the personal property among the heirs or other persons entitled thereto.

Section 38. That section 1477 of the compiled laws of 1897, be amended by striking out the words "*Provided further,* That they may be disinherited, if the will of their fathers or grandfathers expresses it," at the end of said section.

Section 39. If any person make his last will and die, leaving a child or children, or descendants of such child or children, in case of their death, not named or provided for in such will, although born after the making of such will, every such testator, so far as shall regard such child or children, or their descendants not provided for, shall be deemed to die intestate;

and such child or children, or their descendants, shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate; and the same shall be assigned to them, and all the other heirs, devisees, and legatees shall refund their proportional part.

Section 40. That any person aggrieved by any decision of any probate court of any county in this territory, may appeal to the district court of the county in which such decision may be rendered, by filing within ninety days of the rendering of any such decision with the clerk of such probate court a motion praying such appeal and a bond, with two or more sureties, conditioned that such appellant shall prosecute his said appeal with diligence and effect, and pay all costs of such appeal, as shall lawfully be adjudged against him; and thereupon it shall be the duty of said probate clerk to prepare and forthwith transmit to the district court of said county all such papers and copies of all such records as such appellant shall in writing designate as necessary to be considered upon said appeal, and upon the receipt of the clerk of said district court of said papers from said probate clerk, the said clerk of said district court shall docket said appeal and papers as a cause in said district court and thereafter said appeal so docketed as aforesaid shall be tried *de novo* and determined in said district court as other causes are therein tried, and determined, *Provided*, That this section shall not affect any proceeding or proceedings now provided by law for the review in the district court of any decision of any probate court upon the approval or disapproval of any last will or testament.

Sec. 41. When an executor or administrator shall be appointed in any other State or Territory or foreign Country of the estate of any person dying within or without this Territory and no executor or Administrator thereon shall be appointed in this Territory, the foreign executor or administrator may file an authenticated copy of his appointment in the Probate Court of any county in which there may be any real estate of the deceased, after which he may be authorized under an order of the Court to sell real estate and other property of the deceased in the same manner and upon the same conditions and terms as are prescribed in the case of an executor or administrator appointed in this Territory.

Sec. 42. An executor or administrator duly appointed in any other State or Territory or foreign Country may sue or be sued in any Court in this State [Territory] in his capacity as executor or administrator, in like manner and under like restrictions as a non-resident may sue or be sued.

Sec. 43. All acts or parts of acts in conflict herewith are

thereby repealed and this act shall take effect and be in force from and after its passage.

CHAPTER LXXXII.

AN ACT CONCERNING PRACTICE IN THE SUPREME AND DISTRICT COURTS, AND FOR OTHER PURPOSES. C. B. No. 83; Approved March 21, 1901.

CONTENTS.

Section 1. Cases Wherein the Supreme Court Shall Have Exclusive Jurisdiction.

Section 2. Review of Actions Under Attachment.

Section 3. Compensation of Referee.

Section 4. Selection of Referee When Objections are Made.

Section 5. Powers of Referee. Testimony and Rulings to be Reduced to Writing. Findings Subject to Revision.

Section 6. Answer to be Under Oath.

Sections 7, 8 and 9. Taking of Depositions on Interrogatories. When Cross-Interrogatories are Unnecessary.

Section 10. Referee May Hear and Determine Both Issues of Law and Fact.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. The Supreme Court of the Territory shall have exclusive jurisdiction to review upon appeal or writ of error all judgments, orders and decrees, made or rendered in the district courts in either of the following cases:

a. Where a final judgement has been rendered in an action commenced in the district court, or brought there from the Probate Court, or a justice of the Peace; also to review an interlocutory judgment or order or decree involving the merits of any cause, and necessarily affecting the final judgment.

b. Where an order, judgment or decree has been made or rendered in any action affecting a substantial right, which either in effect determines the action, or prevents a final judgment, or discontinues the action, or grants or refuses a new trial, or determines a statutory provision of the Territory to be unconstitutional or in conflict with the organic law of the Territory, or determines a demurrer which goes to the substantial right of the case.

c. Where a final order, judgment or decree affecting a substantial right has been made in a special proceeding or upon a summary application in an action after judgment, and any intermediate order, judgment or decree, involving the merits of the action.

Sec. 2. That section 8 of chapter LXXV of the acts of 1899, be and the same is amended so as to read as follows: That when an order or judgment dissolving or sustaining an attachment is rendered in the District Court, such order or judgment may be reviewed on appeal or writ of error, taken or sued out by any person aggrieved thereby; when such appeal or writ of error is sued out by the plaintiff in attachment, upon his giving a bond for a supersedeas as in other cases, the lien of the attachment shall be preserved until the final review and determination of his right to his lien in the Supreme Court.

Sec. 3. Whenever under the provisions of article 9, chapter 1, title 33, of the Compiled Laws of 1897, a cause is referred to an examiner to take testimony and report the same without making findings of fact and law, the referee or examiner shall receive in full for his services, including the compensation of a stenographer, if one be employed, to be taxed as other costs in the case, the following fees, to wit:

For noting each meeting to take testimony, the sum of one dollar.

For noting each adjournment from one day to another, one dollar.

For writing out, transmitting and reporting the proceedings and testimony taken, for the first copy, fifteen cents per folio of 100 words, and five cents per folio for each additional copy.

For swearing each witness, twenty-five cents; and for certifying and transmitting the same to the court, one dollar and fifty cents.

Sec. 4. Whenever in cases of compulsory reference either party to the suit files an affidavit objecting to any referee to whom it is proposed to refer said case, and stating that he believes that he cannot have a fair and impartial hearing of the case before such referee, the court shall not refer the case to the referee so objected to, but shall select some proper person free from exception to whom to refer the same.

Sec. 5. Sub-section 152 of Section 2685 of the Compiled Laws of the Territory of New Mexico for the year 1897, be and the same hereby is amended so as to read as follows: Sub-sec. 152. Referees shall have power in all cases now or hereafter pending, to rule upon objections to testimony and upon the rejection of any testimony it shall be taken down and together with the objection and ruling of the referees, shall be reported in their report to the court, and such ruling shall be subject to revision and review by the court. All testimony taken before referees shall be reduced to writing, and if either party shall

except to the competency of witnesses, or the admission or exclusion of any evidence, or any other matter, to which exception may be taken, the referee shall state the particulars of the exceptions in their report. All findings of law or fact, by any referee or other officer or person, authorized to make such findings, in any cause now or hereafter pending, in any district court of this Territory, shall be subject to be revised, changed, modified, annulled or reviewed by the court upon exceptions taken thereto by either party to the cause. And said findings and all judgments in such cause, shall be subject to revision and review on appeal or writ of error in the supreme court of the Territory.

Sec. 6. Sub-section 39 of Section twenty-six hundred and eighty-five of the Compiled Laws of 1897 is amended by adding thereto the following: "All matters in abatement, except as to jurisdiction of the subject matter, alleged in an answer, shall be under oath."

Sec. 7. Whenever the opposite party in all causes in which notice may be served to take a deposition on interrogatories, under the provisions of sections 3036 to 3048 of the Compiled Laws of 1897, desires to be present by himself, or attorney or duly authorized agent, at the taking of the deposition, he may file a notice to that effect in the clerk's office, and such notice shall be attached to the commission when it issues. It shall thereupon be the duty of the person to whom such commission issues, to give at least ten days notice to the party so demanding the right to be present at the taking of a deposition, provided the same is taken within the Territory of New Mexico, and thirty days' notice provided the same is taken within the United States and outside of the Territory of New Mexico.

Sec. 8. Commissions may issue to take depositions in any foreign country in like manner as commissions are authorized to issue for taking depositions in the United States, but in such cases an order of court shall be made, naming the commissioner, the time and place, when and where the deposition shall be taken, and the time within which it shall be returned.

Sec. 9. Whenever notice shall be filed, as provided for in section 7 of this act, by the opposite party in any cause, to the effect that he desires to be present at the taking of a deposition, he need not file cross-interrogatories to be answered, unless he sees fit so to do, and whether he files cross-interrogatories or does not do so, either party may in person, or by duly authorized agent or attorney, be present and propound such questions to the witnesses examined as he may see fit: such questions and the answers thereto shall be written out and returned as a part of the deposition, as if the same had been

filed in the clerk's office and had been attached to the commission as interrogatories and cross-interrogatories. All such questions and answers shall be open to objection on the trial of the cause as fully and in the same manner as if the witness was produced in the court and there examined. And no deposition taken in disregard of such notice, after the same has been filed, as provided in this act, shall be received and read as evidence in any cause.

Section 10. Sub-section 156 of Section 2685 of the Compiled Laws of 1897 is hereby amended by inserting in line two (2) thereof after the word "may," the following words: "if so agreed by the parties."

Sec. 11. All acts and parts of acts in conflict with this act are hereby repealed and this act shall be in force and effect from and after its passage.

CHAPTER LXXXIII.

AN ACT AMENDING AN ACT OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY, ENTITLED "AN ACT DEFINING THE PROPERTY RIGHTS AND POWERS OF MARRIED PERSONS, PRESCRIBING GROUNDS FOR DIVORCE, AND OTHER MATTERS." *H. B. No. 243; Approved March 21, 1901.*

CONTENTS.

Section 1. Liability of Parents.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 4 of an act of the 34th Legislative Assembly entitled "An Act defining the property rights and powers of married persons; prescribing grounds for divorce, and other matters" be and the same is hereby amended by striking out the following words, to-wit: "Each shall be liable for the torts of their minor children."

Section 2. This act shall be in full force from and after its passage.

CHAPTER LXXXIV.

AN ACT ENTITLED AN ACT CONCERNING THE LOCATION AND KEEPING OF BAWDY HOUSES IN CITIES, TOWNS AND VILLAGES. C. B. No. 67; *Approved March 21, 1901.*

CONTENTS.

- Section 1. Location. Penalty. Municipalities to Have Control.
Section 2. Leasing of Buildings in Violation.
Section 3. Whom to be Deemed Keepers.
Section 4. Leases to be Void.
Section 5. Duties of Officers.
Section 6. When Saloons are to be Considered Bawdy Houses.
Section 7. Testimony.
Section 8. Jurisdiction Vested in District Courts and Justices of the Peace.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That every person who shall set up or keep a brothel, bawdy house, house of assignation or prostitution, in any town, city or village in the Territory of New Mexico, within seven hundred feet of any school house, college, seminary or other institution of learning, or any church, opera house, theatre, hall of any benevolent or fraternal society, or other place of public assemblage, shall on conviction thereof be adjudged guilty of a misdemeanor and shall be punished by a fine of not exceeding One Hundred (\$100) Dollars, or by imprisonment in the County jail for a period not exceeding sixty (60) days, or by both such fine or imprisonment; and outside of such seven hundred feet limits the City Council and Board of Trustees of the different municipalities, whether incorporated under general or special laws, shall prohibit and suppress, or shall regulate, restrain and place under municipal supervision, lewd women, prostitutes, brothels, bawdy houses and houses of assignation or prostitution, whether they live or practice acts of lewdness or prostitution within the limits of the municipality or within one mile thereof."

Section 2. Every person who shall knowingly lease or let to another any house or other building, for the purposes of setting up or keeping therein any such brothel, bawdy house, house of assignation or prostitution, as mentioned in the foregoing section, within seven hundred feet of any such school house, college, seminary, or other institution of learning, or any church, opera house, theater, hall of any benevolent or fraternal society, or other place of public assemblage, or

for the purpose of being kept or used as such brothel, bawdy house, house of assignation or prostitution, shall on conviction thereof be adjudged guilty of a misdemeanor, and punished as provided in Section One (1) of this Act.

Section 3. Every person appearing or acting as a master or mistress of any such brothel, bawdy house, house of assignation or prostitution or having the care, use or management of any such brothel, bawdy house, house of assignation or prostitution, used for the purposes specified in Section 1 of this act, shall be deemed to be the keeper thereof.

Section 4. Whenever any lessee shall permit any house or building to be used as such brothel, bawdy house, house of assignation or prostitution, contrary to the provisions of this act, the lease or agreement for the leasing of such house or building, shall become void, and the leaser may enter on the premises so let, and shall have the same remedies for the recovery thereof as in case of a tenant holding over his term.

Section 5. It shall be the duty of the marshal or chief of police or other officer discharging the duties of such marshal or chief of police, to enforce the provisions of this act, by filing a complaint before the proper Justice of the Peace, or police judge, against persons violating any of the provisions of this act, and it shall be the duty of the governing body of all cities, towns or villages in this Territory, upon proof that such officer or officers have failed to discharge duties, to summarily remove them from office.

Section 6. Any saloon or other place where drinks are served, frequented by women having the general reputation of being prostitutes, shall be considered a bawdy house, brothel, house of assignation or prostitution, within the meaning of this Act.

Section 7. No person shall be incapacitated or excused from testifying concerning any offenses committed by another against any of the provisions of this Act, but the testimony which may be given by such person shall in no case be used against him.

Section 8. Each day such brothel, bawdy house, house of assignation or prostitution is kept, shall be considered a separate offense under this Act, and jurisdiction of any offense under this Act is hereby vested in the District Court, by indictment or information, as well as in the justice of the peace, and other cases of misdemeanor.

CHAPTER LXXXV.

AN ACT TO EXTEND THE PROVISIONS OF SECTION 19 OF CHAPTER 22, OF THE ACTS OF THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, APPROVED MARCH 1ST, 1899, TO THE CITIES AND TOWNS OF THE TERRITORY, WHETHER INCORPORATED UNDER GENERAL OR SPECIAL LAW. C. B. No. 62; Approved March 21, 1901.

CONTENTS.

Section 1. Taxes a Lien on Property in Incorporated Cities and Towns.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the provisions of Section 19 of Chapter 22, of the Acts of the Thirty-third Legislative Assembly of the Territory of New Mexico, entitled "An Act to provide for the assessment and collection of taxes in the Territory of New Mexico," Approved March 1st, 1899, declaring taxes a lien against real estate and personal property, shall be, and said provisions are hereby applied and extended to taxes levied and assessed by the authorities of any incorporated City or Town in the Territory of New Mexico, authorized by law to levy and assess taxes against the real estate and personal property situate in said City or Town for municipal purposes, whether incorporated under General or Special Act.

Section 2. This Act shall be in force from and after the date of its passage.

CHAPTER LXXXVI.

AN ACT TO AMEND SECTION 241 OF THE COMPILED LAWS OF 1897, RELATIVE TO THE KILLING OF CATTLE BY RAILROAD CORPORATIONS. C. B. No. 113; Approved March 21, 1901.

CONTENTS.

Section 1. Liability of Railroads for Cattle Killed. Notice, Giving Brands and Marks, to be Posted.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That all of that part of Section 241, Compiled Laws of 1897, beginning with the word "until" in the fifth

line from the bottom of said Section to the end thereof, be and the same is hereby stricken out and the following inserted in place thereof. "If any railroad corporation shall fail to construct, such fences and cattle guards as herein directed, each and every one of said railroad corporations so failing to comply with the directions of this act, shall be liable in damages in the manner and to the extent hereinafter limited and provided. And any railroad corporation which has so failed to fence its line, in addition to the penalties above described shall be and hereby is required to post a notice in a conspicuous place upon its depot building at the county seat of the county through which its line or lines may run, every ninety (90) days giving therein a full description of the brands and marks of every animal killed or damaged during the ninety days next preceding the posting of said notice.

Section 2. This act shall take effect and be in force from and after its passage, and all acts and parts of acts in conflict therewith are hereby repealed.

CHAPTER LXXXVII.

AN ACT TO AMEND SECTION 4132 OF THE COMPILED LAWS OF 1897, IN REGARD TO UNITED STATES CENSUS, AND FOR OTHER PURPOSES. *H. B. No. 167; Approved March 21, 1901.*

CONTENTS.

Section 1. Last Preceding Census to Govern Until Local Census is Taken. *Proviso.*

Section 2. General Amendment to Statutes.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That section 4132 of the Compiled Laws of 1897 be and the same is hereby amended so as to read as follows: "Section 4132. The last preceding United States Census shall govern as to population provided for in section four thousand one hundred and twenty four, until such time as the county commissioners, or mayor, town or city council, or town or city trustees, may have a new census taken for precincts, or towns, villages or cities; *Provided*, That this act shall apply to subdivisions as they now exist and that no division of a precinct shall entitle the inhabitants thereof to a lower rate of license after such divisions."

Section 2. That all other acts or parts of acts contained in said Compiled Laws of 1897 in which the words "United States Census of 1890," or "the last U. S. Census," or other similar words, referring to, or providing for the United States Census as a basis for any act to be done, or upon which any action is predicated, or contemplated, are hereby amended so as to read: "the last preceding United States Census," in lieu and stead of such other words.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT TO AMEND CHAPTER 50 OF THE LAWS OF 1897, ENTITLED AN ACT TO PROVIDE FOR THE ORGANIZATION, DISCIPLINE AND REGULATION OF THE MILITIA OF THE TERRITORY OF NEW MEXICO, APPROVED MARCH 17TH 1897. *H. S. for C. B. No. 34; Approved March 21, 1901.*

CONTENTS.

Section 1. Peace Footing of Militia.

Section 2. United States Laws and Regulations to Govern.

Section 3. Commander-in-Chief. Adjutant General. Duties and Salary of Adjutant General; Term of Office.

Section 4. Staff Officers.

Section 5. Officers may be Placed on Retired List.

Section 6. Provisions of Chapter 50, Laws of 1897, Applicable.

Section 7. Discipline.

Section 9. Emergency Enactment.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. The organized militia in time of peace shall consist of one regiment of infantry, of three battalions of four companies each; one squadron of cavalry of four troops; one light battery of artillery; one gatling gun section to consist of one first lieutenant, one first sergeant, two corporals, and ten privates; one signal corps to consist of one first lieutenant, one first sergeant, two sergeants, two corporals, one bugler and fifteen privates; one infantry regimental band, and bands for each battalion of infantry and cavalry consisting of not to exceed one chief musician, two principals, one first sergeant and sixteen privates.

Section 2. The organization and formation of the infantry

regiment, cavalry squadron and light battery of artillery authorized by this act, including the number of Commissioned and non-commissioned officers, their rank and their duties, respectively, shall at all times conform to the laws rules and regulations governing the standing army of the United States.

Section 3. The Governor shall be the Commander-in-Chief, and shall appoint one Adjutant General with the rank of brigadier general who shall be chief of staff, and in time of peace shall perform also the duties of quartermaster general, commissary general inspector general and chief of ordnance. The adjutant general shall issue and transmit all orders of the Commander-in-Chief with reference to the militia or military organizations of the Territory, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the National Guard. He shall have charge of the Territorial arsenal, arsenal grounds and all military camps and rifle ranges, and shall receive and issue all ordnance and ordnance stores, and camp and garrison equipage and quartermaster's stores on the order of the Commander-in-Chief. The adjutant general shall receive a salary of one thousand dollars per annum, payable monthly out of the salary fund. He shall have charge of and carefully preserve the colors, flags guidons and military trophies, and shall not allow the same to be loaned out or removed from their place of deposit; he shall have custody of all muster rolls and other records pertaining to the National Guard, and of all volunteer organizations in the service of the territory or of the United States. He shall make out from time to time full reports of the proceedings of his office when required by the commander-in-chief, and he shall reside at the Territorial Capitol, have an office in the capitol building, and he shall hold his office during the pleasure of the Governor.

Section 4. The governor shall appoint one judge advocate general; one surgeon general and one inspector of rifle practice, who shall have the rank of colonel, and perform the duties pertaining to such offices and aides-de-camp not to exceed seven in number, with the rank of colonel, who shall hold their respective offices during the pleasure of the Governor.

Section 5. The adjutant general of the Territory upon his retirement from office may at his request be placed upon the retired list, and any officer of the National Guard, other than aides-de-camp on the staff of the Commander-in-Chief, who shall have served seven years as a commissioned officer of the National Guard of New Mexico, may upon his request, or

upon his honorable discharge from the service of the territory, be placed upon the retired list, and shall be permitted to wear the uniform of their grade upon all public occasions.

Section 6. The provisions of chapter 50, laws of 1897, shall apply to all organizations of the National Guard, including the light battery of artillery, the signal corps, regimental and battalion bands, notwithstanding in said act companies of infantry, troops of cavalry and the gatling gun squad are specifically mentioned.

Section 7. The United States army regulations and Articles of War now in force, and those which may hereafter be in force, are hereby adopted, so far as the same may be practicable, for the government, regulation and discipline of the National Guard of New Mexico.

Section 8. Sections one, five, fourteen and sixteen of chapter 50, laws of 1897, and all laws and parts of laws in conflict with this act are hereby repealed.

Section 9. Whereas owing to the necessities of the service an emergency exists, therefore this act shall take effect upon the approval of the same by the Governor.

CHAPTER LXXXIX.

AN ACT TO PROVIDE FOR THE ISSUE OF BONDS FOR THE
NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC
ARTS. *C. S. for C. B. No. 102; Approved March 21, 1901.*

CONTENTS.

Section 1. Bond Issue in the Sum of Twenty-Five Thousand Dollars Authorized.

Section 2. Payment of Principal and Interest.

Section 3. Territorial Treasurer to Issue and Negotiate Sale. Purposes of Issue.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. After the passage of this act an issue of the bonds of the Territory of New Mexico is hereby authorized and directed to be made in the sum of Twenty-five Thousand Dollars, to be known as New Mexico Agricultural College Bonds. Such bonds shall be issued in the denomination of One Thousand Dollars each, bearing interest at the rate of five per centum per annum, interest payable semi-annually on the tenth days of January and July; principal and interest

*see L. 14
p. 46.*

payable at the Western National Bank in the City of New York, state of New York. And said bonds shall be signed by the Governor and Treasurer of the Territory and countersigned by the Auditor of Public Accounts, and shall be made payable in thirty years from the date of their issue, but may be redeemed at the pleasure of the Territory at any time after twenty years from their date.

Section 2. And there is hereby pledged for the payment of said bonds and interest the revenues arising from the leasing and the income derived from the safely invested proceeds of sales of seventy-five thousand acres of the one hundred thousand acres of land granted to the Territory of New Mexico by the United States for the use and benefit of the New Mexico College of Agriculture and Mechanic Arts, in accordance with the provisions of the Act of Congress, entitled "An Act to make certain grants of Land to the Territory of New Mexico, and for other purposes," Approved June 21st, 1898, and the Act of the Legislative Assembly of the Territory of New Mexico, entitled "An Act establishing a Board of Public Lands; assigning their duties, and for leasing and managing public lands and funds," Approved March 16th, 1899. And all of such proceeds, or so much thereof as may be necessary, together with any interest accruing therefrom, shall be paid to the Treasurer of the Territory of New Mexico and by him separately kept as a fund for the payment of the interest and principal of the bonds herein provided to be issued. *Provided, however,* should the proceeds as aforesaid be not sufficient in any year to pay the interest which shall become due as provided herein, the Auditor of Public Accounts of the Territory of New Mexico is hereby directed to levy a tax, at the time that other taxes are levied, sufficient to pay the interest on said bonds, and to give notice of such assessment or levy of taxes to the several officers who are charged with the duty of the assessment of taxes in the several counties of the Territory, who shall assess the same in the manner that other taxes are required to be assessed for Territorial purposes; and *Provided Further,* In event sufficient funds have not been realized from the proceeds of sales and rentals as aforesaid, principal and interest, on the first day of January, 1929, then such portion of said lands authorized by law to be sold, remaining unsold at that time, as may be necessary, shall be at once put upon the market and sold by the Board of Public Lands under such regulations and laws as may then be in force, and the proceeds realized from such sale shall likewise go to pay any part of said bonds and interest then unpaid when due and to reimburse the Territory for all interest paid

by it and remaining unpaid in accordance with the provisions of this act.

Section 3. Said bonds shall be issued and negotiated under the direction of the Treasurer of the Territory of New Mexico. *Provided, however,* said bonds shall not be sold under their face value. The proceeds of the sale of said bonds shall be safely kept by the Treasurer of the Territory of New Mexico, under bond, and may be expended by the Board of Regents of said Institution for the following purposes: the erection of a dormitory for boys and young men attending such institution, the erection of a Gymnasium and Library Building, and furniture, fixtures and equipment for said buildings, for the purchase or development of ample and sufficient water supply for domestic and irrigation purposes of said institution and the farm connected therewith; for repairs to and insurance upon and fuel, water and lights for all college buildings, for salaries of janitors and Librarian and for such necessary printing as cannot be paid for out of United States Appropriations.

Section 4. This act shall take effect and be in force from and after its passage.

CHAPTER XC.

AN ACT PROVIDING FUNDS AND MAKING APPROPRIATIONS FOR THE FIFTY-THIRD AND FIFTY-FOURTH FISCAL YEARS, AND FOR OTHER PURPOSES. *C. S. for H. S. for C. B. No. 95; Approved March 21, 1901.*

CONTENTS.

- Section 1. Payment of Interest on Bonded Indebtedness.
- Section 2. Support and Maintenance of Territorial Institutions. Proviso.
- Section 3. Charitable Institutions.
- Section 4. Territorial Purposes.
- Section 5. Appropriations for Fifty-third Fiscal Year Extended to the Fifty-fourth. Exception.
- Section 6. Surplus of any Given Fund of One Year Transferred to the Same Fund of the Year Following.
- Section 7. Beginning of Fiscal Year. Penitentiary Current Expense Fund.
- Section 8. Pay of Territorial Officials. Proviso. Supreme Court Fund. Miscellaneous Fund. Sheriffs. Deficiencies. Capitol Building. Militia.
- Section 9. Sub-agricultural Stations Abolished; Disposition of Property.
- Section 10. Tax Levy for County Purposes.
- Section 11. Redeeming of Outstanding Indebtedness.

Section 12. Tax Levy for School Purposes.

Section 13. Court House Repair Fund.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Sec. 1. For the fifty-third fiscal year the following appropriations or so much thereof as may be deemed necessary, are hereby made and directed to be paid for the purposes hereinafter expressed, to-wit:

For the payment of interest on bonded indebtedness \$64,000.00.

Provided that if at any time the moneys in the interest fund are insufficient for the payment of the Coupons as they mature, it shall be the duty of the Territorial Treasurer to borrow temporarily a sufficient sum to complete said payment, and for that purpose, he, the said Treasurer, is hereby authorized and empowered, to make and negotiate the necessary loan on the best terms obtainable, and at a rate of interest not exceeding (8 per cent) eight per cent per annum; the Auditor of Public Accounts shall countersign any and all papers necessary for the negotiation of said loan and charge the proceeds to the treasurer, and the treasurer shall redeem such paper out of the first moneys coming into the interest fund.

Sec. 2. For the support and maintenance of the New Mexico College of Agriculture and Mechanic Arts, the University of New Mexico, the New Mexico School of Mines, the New Mexico Normal School at Silver City, The New Mexico Normal University at Las Vegas, the New Mexico Military Institute at Roswell, The New Mexico Insane Asylum at Las Vegas, all Territorial Institutions, an annual tax levy shall be made each and every year hereafter, commencing with the fifty-third fiscal year to the amount of three and one half (3½) mills on the dollar, in addition to that provided for other purposes, which shall be made and collected, and the product of such levy, shall be distributed as follows, to-wit:

To the New Mexico College of Agriculture and Mechanic Arts, twenty one-hundredths of one mill.

To the University of New Mexico, fifty-five one-hundredths of one mill; also to said University, to meet the deficiencies for the fifty-first and fifty-second fiscal years, for buildings erected and for other necessary purposes, twenty-five one-hundredths of one mill; and the Auditor and Treasurer are directed to pay to said University all moneys realized from the levy heretofore made for the Hadley Fund.

To the New Mexico School of Mines, thirty-three one-hundredths of one mill.

To the New Mexico Normal School at Silver City, thirty-two one-hundredths of one mill.

To the New Mexico Normal University at Las Vegas, fifty one-hundredths of one mill.

To the New Mexico Military Institute at Roswell, thirty-five one-hundredths of one mill.

To the New Mexico Insane Asylum at Las Vegas, one mill.

Provided, that no secretary or treasurer of any such institutions shall receive no compensation as such secretary or treasurer.

Sec. 3. That the St. Vincent's Hospital at Santa Fe, the Grant County Hospital at Silver City, the Sisters of Mercy Hospital at Silver City, the Ladies Hospital at Deming, the Eddy County Hospital at Eddy, [Carlsbad] the Orphans School at Santa Fe, the Relief Society at Las Vegas, the Sisters Hospital at Albuquerque, all charitable institutions, for the support and maintenance of which an annual tax levy shall be levied each and every year hereafter, commencing with the fifty-third fiscal year, to the amount of 59 one-hundredths of one mill on the dollar, in addition to that provided for other purposes, and shall be made and collected and the product of such levy shall be distributed as follows, to-wit:

To the St. Vincent's Hospital at Santa Fe, twelve one-hundredths of one mill.

To the Grant County Hospital, Silver City, six one-hundredths of one mill.

To the Sisters of Mercy Hospital, Silver City, six one-hundredths of one mill.

To the Ladies Hospital, Deming, four one-hundredths of one mill.

To the Eddy County Hospital, Eddy, [Carlsbad] five one-hundredths of one mill.

To the Orphan School, Santa Fe, eighteen one-hundredths of one mill.

To the Relief Society of Las Vegas, five one-hundredths of one mill.

To the Sisters Hospital, Albuquerque, three one-hundredths of one mill.

Sec. 4. For Territorial Purposes, there shall be levied for the fifty-third fiscal year upon each dollar of taxable property, the following tax, six mills on the dollar.

And for each fiscal year thereafter, there shall be levied upon each dollar of taxable property, the following tax, six

mills on the dollar; *provided*, that the Territorial Treasurer shall distribute the cash product of the tax levy of each fiscal year in proportion to each appropriation as each bears to the total appropriation.

Sec. 5. The same appropriations made for the fifty-third fiscal year are hereby extended to the fifty-fourth fiscal year, and, the same amounts and sums of money appropriated for the fifty-third fiscal year are hereby appropriated for the fifty-fourth fiscal year, except the appropriations made for printing the laws and journals of the 34th Legislative Assembly.

Sec. 6. At the end of each fiscal year and after any appropriations and expenditures which may be required to be paid out of any particular fund, or funds, shall have been paid, all the surplus, which shall remain in any or either one of the particular funds, the Treasurer shall transfer such surplus funds to the credit of the same fund for the following fiscal year.

Sec. 7. The fifty-third fiscal year shall end on the last day of November, 1902; and each fiscal year thereafter shall begin on the first day of December and end on the last day of November. For the Penitentiary current expense fund, there shall be paid as follows.

PAY OF OFFICERS AND EMPLOYES.

One Superintendent	\$2,000.00
One Assistant Superintendent, who shall act as store keeper, and clerk	1,200.00
One Physician	600.00
One Chaplain,	200.00
One Yard Master	600.00
One Cell House Keeper, Day,	480.00
One Cell House Keeper, Night,	480.00
One Captain, Day Guards,	480.00
One Captain, Night Guards,	480.00
Ten Day and Night Guards,	3,600.00
One Matron,	600.00

MAINTENANCE.

For rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, medicines, beds and bedding, furniture and utensils, blacksmithing, repairs to buildings, stationery, books for convicts, tools, wagons and horses, machinery, and for all other necessary material and expenses, the amount of \$30,000.00, and the proceeds of the material or articles manufactured by the convict labor, *Provided*, that three hundred dollars of the above fund shall be

used for a permanent library, one half of such library to be in the Spanish language, for convicts, and one thousand dollars of the above shall be used for insurance against fire of Penitentiary Buildings; *Provided further*, that the penitentiary is hereby required to furnish Electric lights free of charge to the Capitol Building and the Deaf and Dumb Asylum and shall also be authorized to sell electric lights in the city of Santa Fe, upon such terms, as in the judgment of the Superintendent of the Penitentiary and the Board of Penitentiary Commissioners, are proper.

Sec. 8. Pay of the Territorial Officers, for the fifty-third fiscal year;

SALARY FUND.

For the Superintendent of Public Instruction, salary and traveling expenses,	\$ 2,500.00
Salary of District Attorneys,	3,000.00
Salary of Solicitor General,	2,000.00
Salary for Territorial Auditor and Clerk	3,000.00
Salary for Territorial Treasurer and clerk,	2,500.00
Salary for Territorial Librarian,	750.00
Salary of Secretary and Clerk Bureau of Immigration,	1,200.00
Salary and Expenses Penitentiary Board,	2,000.00
Salary Adjutant General,	1,000.00
Salary and Expenses, Judges District Courts,	7,500.00
Salary, Clerks and Deputies, District Courts,	16,000.00
Salary, Territorial Equalization Board and Mileage,	750.00
Salary Clerk Supreme Court,	1,200.00
Salary Private Secretary to the Governor, such salary to commence on April 1st, 1901 and until the first day of December 1901, which shall be paid from the surplus fund of the 51st fiscal year in the hands or formerly in the hands of the Territorial Treasurer and payable monthly	1,200.00

Provided, that each clerk of the District Courts, shall be entitled to receive out of the sum appropriated, at the rate of thirty two hundred dollars per calendar year, as full compensation for himself and deputy or deputies. The Sums of Money allowed to the District Clerks and District Judges, shall be payable quarterly: *Provided further*, that such clerk shall demand and collect in advance all fees payable as clerk's fees in any court, and shall promptly turn the same over quarterly to the Treasurer of the Territory, *provided*, that the defendants in criminal cases shall not be required to pay advance fees: *Provided further*, that such District Clerks shall hereafter require and collect an advance fee of

five (\$5) dollars before Docketing any case filed originally in his office, and a similar fee of five (\$5) dollars from the defendant when he enters his appearance in said cause, and two dollars and fifty cents (\$2.50) for docketing any case appealed from a justice of the peace Court, Probate Court, or Board of County Commissioners and collect such fee from the plaintiff or appellant, as the case may be, when he enters his appearance in the case. Whenever said advance fee shall have been consumed he shall require an additional fee of five (\$5) dollars in original cases and two dollars and fifty cents (2.50) in appeal cases. Said Clerk shall be accountable to the party making such advance fee for any unconsumed fee, and shall turn over all fees for which services have been rendered, to the Territorial Treasurer as above provided:

Provided further, that the clerk shall only charge against such advance fees the costs created by the party advancing such fee:

Provided further, that said Clerk shall be entitled to retain all fees collected for transcripts seals, certificates and acknowledgements.

SUPREME COURT FUND.

For printing briefs and expenses in cases brought and defended by the Territory, and actual expenses incurred by the Solicitor General, when legally required to attend and defend cases brought by the Territory in any of the District Courts, situate outside of the district\$200.00

For Printing Dockets and Calendars, Supreme Court, 200.00

The salary allowed to the Clerk of the Supreme Court, shall be in lieu of all per diem and fees that the said clerk would be entitled to charge against the Territory; and hereafter, the Clerk of the Supreme Court shall not be entitled to make any charge whatsoever against the Territory for any services rendered, but he shall be entitled to receive out of the above appropriation as salary and as compensation in full for all services performed for the Territory as Clerk of the Supreme Court, and out of all appropriations hereafter made, at the rate of twelve hundred dollars per annum.

MISCELLANEOUS FUND.

For Postage, Express, Printing, Blanks and Publication of quarterly reports, and incidental expenses, Auditor's Office,	\$ 700 00
For same and commission and exchange, Treasurer's office,	1,000 00
For the Territorial Library for the purchase of	

34TH LEGISLATIVE ASSEMBLY.

books,	1
For the Territorial Library for Freight, express, postage, stationery and incidental expenses,....	1
For contingent expenses, Governor's office,	3,00
For contingent expenses, Solicitor General's office,	300 00
For Expenses New Mexico Historical Society,	500 00
For the Purchase of Relics, New Mexico Historical Society,	250 00
For Printing Reports, Postage, Freight and incidental Expenses of the Bureau of Immigration one thousand dollars of which in each fiscal year shall be used for printing and advertising for the Pan American and St. Louis Expositions.	3,000 00
For Printing Reports, Postage and contingent expenses Superintendent of Public Instruction, ..	500 00
For printing tax books, schedules, etc.	1,200 00
For Printing Poll Books, Registration books, and other necessary blanks for the Election of 1902, and conveying and forwarding election returns to the seat of government, Freight and expenses, which shall apply only to the fifty-third fiscal year,	1,200 00
For per diem and expenses of sheriffs in conveying prisoners to the Penitentiary,	5,000 00
For Printing Weather Bureau Bulletins,	700 00
For Printing the laws and journals in Spanish of the thirty-fourth Legislative Assembly, the same to be delivered to and distributed by the Secretary of the Territory, and to be paid for upon completion and delivery to the Secretary, out of any funds in the hands of the Territorial Treasurer,	1,500 00
For translating the Laws and journals of the thirty-fourth Legislative Assembly, the same to be done under the direction and control of the Governor of the Territory and to be paid for upon the certificate of the Governor, certifying that the said translations have been made under his supervision and control, out of any funds in the hands of the Territorial Treasurer, when such translations are completed, and any money not required of such appropriation for the translation of such laws and journals to remain in the Territorial Treasury,	1,000 00
For the purchase of one hundred copies of volume one of New Mexico Supreme Court	

Report, 53rd Fiscal year only,	300 00
For the purchase of one hundred copies of Volume two, of New Mexico Supreme Court Reports, 53rd Fiscal year only,	300 00
For the indexing and completing of Money's Digest, to be paid to Geo. P. Money, 53rd Fiscal Year only,	500 00

Provided, That the publishers of all reports of the Supreme Court of the Territory of New Mexico and of all statutes laws in this Territory, are hereby required hereafter to transmit one copy of each volume thereof to each of the following parties, to-wit:—to the Attorney General of the United States, Washington, D. C.; to the Librarian of each State and Territory; to each of the judges of the United States Supreme Court, and five copies to the Librarian of the Supreme Court of the United States; one copy each to the United States Attorney, Solicitor General, and each district attorney in this Territory; one to each Board of County Commissioners, and to each probate judge in this Territory; also where any other State or Territory will supply the librarian of this Territory with two copies or more of the reports and statute Laws of such State or Territory, the Librarian of this Territory is authorized and required to supply and transmit to the Librarian of such State or Territory an equal number of copies of the reports and statute laws of this Territory; also the Librarian of this Territory is hereby authorized and required to transmit of the reports and statutes of this Territory which have heretofore been published, in like quantity and number as above specified, to such of the parties aforesaid as are outside of this Territory and who have not already received the same.

The Sheriffs of the various counties of this Territory shall only be entitled to charge mileage for one person in charge of prisoners transported to the Penitentiary and they shall only be entitled to charge the actual expense for the prisoner so conveyed, and shall be entitled to charge per diem at the rate of five dollars per day for each guard, and actual cost of transportation: *Provided*, that the sheriffs shall not be entitled to more than one guard for two prisoners, and one guard for every additional three prisoners: *Provided further*, that Sheriffs shall convey all prisoners at one time sentenced at the same term of court. For the purpose of defraying the the necessary expenses of court fees, typewriting, printing and traveling expenses of counsel, incurred in the prosecution of appeals or writs of error from the Supreme Court of the Territory, by said Territory, or any county thereof, the sum of \$750.00.

DEFICIENCIES.

For the purpose of paying the following deficiencies in the appropriations of the fifty-first and fifty-second fiscal years, the following appropriations are hereby made to-wit:

Bounty Wild Animals killed, no appropriation made by the thirty-third Legislative Assembly,	\$ 960 00
Requisitions by the Governor, apprehension of criminals, fiftieth and fifty-first fiscal years,	1,369 72
Transportation of convicts and sheriffs fees, fiftieth and fifty-first fiscal years,	3,681 29
Printing Tax Rolls in excess of appropriation of the fiftieth fiscal year,	179 50
Printing Laws and Journals in Spanish, in excess of appropriation fiftieth fiscal year,	353 75
Printing tax rolls of counties fifty-first fiscal year,	109 50
One teachers claim for the Deaf and Dumb institute dated June first 1897, for three months	75 00
Dr. J. H. Sloan, account Medical services,	50 00
Account of J. D. Hughes Public Printer, printing Biennial report of Superintendent of Public Instruction,	89 75
Account of member Penitentiary Board fourth quarter of the fifty-sixth fiscal year,	50 00
Account of Seferino Baca, Janitor Supreme Court, Claim of James P. Parker, Sierra County, for assessors fees for the year 1891,	64 00
Court Certificates outstanding, filed with auditor..	123 25
Fractional certificates outstanding,	719 72
Claim of M. C. Stewart, Executing requisitions, ..	70 00
Claim of Guadalupe Ascarate, executing requisition	1,085 72
For maintenance Capitol Balance Fifty-second fiscal year,	44 13
Depreciation of Material and labor furnished for Building track to Capitol grounds, by Atchison, Topeka and Santa Fe Railroad, from October 1895 to June 1900, total as per bill	3,500 00
Rent Solicitor General's office,	432 60
Rent Superintendent of Public Instruction office, ..	175 00
	100 00

That the sum of four hundred and twenty dollars is hereby appropriated out of any funds now on hand in the Territorial treasury, to pay for salary due Domingo Ortega, Mariano Armijo y Otero and J. M. Skinner, for services rendered, of which sum Mariano Armijo y Otero shall receive \$200, Domingo Ortega, \$160. and J. M. Skinner, \$60.00, and payable upon the order of the President and Chief Clerk of the Council.

Provided that the said deficiencies herein provided for shall be paid out of the surplus monies in the hands of the treasurer of the Territory at the close of the fifty-first fiscal year; also said Territorial Treasurer is hereby authorized and directed to pay and retire current expense bonds of the Territory out of the balance of said Surplus; *Provided further*, that hereafter it shall be the duty of the different board of election canvassers to cause the election returns to be sent to the seat of Government to be forwarded by some Express Company, and upon delivery of said returns to said express company, they shall take a receipt therefor and immediately forward said receipt by registered mail to the Secretary of the Territory: *Provided further*, that whenever the county seat of any county from where the returns are to be forwarded, and in which county there is no express company, then, and in no other case, the said boards of election canvassers shall designate one of their number as special messenger to convey said returns to the nearest express office, to be forwarded as above provided, and take a receipt therefor; said messengers shall be allowed for his services, the sum of twelve and one half cents per mile for conveying said returns for each and every mile actually and necessarily traveled from the county seat to such express office.

CONTINGENT EXPENSES TERRITORIAL CAPITOL.

One Janitor, per annum,	\$ 1,200 00
One Night watchman, per annum,	600 00
One Fireman, eight months,	300 00
One Day watchman, per annum,	480 00
Three assistant help, Thirty dollars each per month,	1,080 00
Water for Building	300 00
Water for Grounds,	300 00
Light, at sixteen dollars per month,	192 00
Fuel, 150 tons,	450 00
Repairs, tools and sundry supplies,	750 00
Insurance,	1,500 00

MILITIA FUND.

For the Support of the National Guard, including transportation of arms and clothing, fuel, stationery, etc	\$ 500 00
For rent of Armories, in Santa Fe, Las Vegas, Albuquerque, Las Cruces, and Alamogordo,	1,000 00
For the Publication of five hundred copies of the roster of New Mexico Volunteers in the Spanish-American War, with historical memoranda, bound in cloth, to be prepared and distributed under the	

direction of the Adjutant General, a copy of which pamphlet or roster shall be mailed by the Adjutant General to each member of the present Legislative Assembly, 600 00

Sec. 9. The Sub-agriculture Stations at Las Vegas, Aztec and Roswell, are hereby abolished, and any lands which have been donated for the purposes of such institutions shall revert to the original donors, their heirs or successors in interest; and it shall be the duty of the Governor of the territory to execute deeds therefor in the name of the Territory, except as hereinafter provided.

Any lands, improvements or structures thereon, pertaining to such sub-agriculture stations, which have not been donated for such purposes, shall be sold by a commission to be appointed for that purpose by the Governor, and deeds therefor, shall be made in the name of the Territory, by the Governor to the Purchaser; and the proceeds of such sales of any such lands at Las Vegas, shall be turned over for the benefit of the New Mexico Insane Asylum; the proceeds of the sales of any of the improvements or equipments of such Agriculture station at Roswell, shall be turned over for the benefit of the New Mexico Military Institute; and the proceeds of the sales of all lands and improvements at Aztec shall be turned over to a commission of three persons, to be appointed for that purpose by the Governor, who shall use the same exclusively and entirely in the erection of a suitable courthouse building, upon the lands heretofore donated for that purpose in the county seat of San Juan County. It being the true intent and meaning of this act that the donors of lands originally given for the benefit of said sub-agricultural Stations at Las Vegas, and Roswell, shall receive back their said lands, but without any of the permanent improvements, equipments, or betterments thereof, but that these latter shall be sold separate and apart from the said real estate so donated.

Sec. 10. That section 4021 of the Compiled Laws of 1897, be, and the same is hereby amended by striking out the words "three and one half" in the fifth line of said section 4021, and inserting the word "five" in lieu thereof. And hereafter the Boards of County Commissioners of the various counties of the Territory shall be authorized to levy an annual tax not to exceed five mills on the dollars for current expenses, upon the assessed value of all taxable property in their several counties.

Sec. 11. That section twelve of chapter 58 of the session laws of 1899, entitled, "An Act to provide for the refunding of the bonded indebtedness of the Territory of New Mexico, and *session amended 1903 p. 22 c. 1*

the various counties and the municipalities thereof," approved March 16th, 1899, be, and the same is hereby amended to read as follows: That at any time when any outstanding bond or bonds or any portion thereof, of this Territory, may have become redeemable at the option of the Territory, and the holder or holders thereof, fail, neglect or refuse to surrender the same, under the provisions of this act, then it shall be lawful for the territory to issue bonds as herein provided, and the Treasurer with the approval of the Governor of the Territory shall have the authority to dispose of the same for cash, at not less than par, and out of the proceeds thereof, take up any such outstanding bonds, or any portion thereof, that may bear a higher rate of interest than herein provided, and the bonds so taken up shall be destroyed, and a certificate of such destruction, made and recorded in the manner provided in section five of this act. Bonds issued under the provisions of this section shall not in any event be construed as creating any new or additional indebtedness: *Provided* that at any time when any outstanding bond or bonds or any portion thereof, of this Territory, are about to become due and payable, and if, in the judgment of the treasurer there shall not be available funds to redeem and take up said outstanding bonds at the time of maturity, then it shall be lawful for the Territory to issue bonds under the provisions of this act, and the Treasurer, with the approval of the Governor of the Territory, shall have authority to dispose of the same for cash at not less than par at any time within one year prior to the time of maturity of such outstanding bonds; and out of the proceeds thereof he shall take up any such outstanding bonds, or any portion thereof, at their maturity; or the Treasurer may purchase said outstanding bonds about to become due, at a rate that will net the Territory not less than three (3) per cent per annum.

Repealed
1907
p. 240.
Sec. 12. That section 1537 of the compiled laws of 1897 be and the same hereby is amended so as to read as follows: That the Territorial Auditor shall annually on or before the first day of May of each year levy a tax of three (3) mills on the dollar upon all taxable property of the Territory, and certify the same to the county collectors of the several counties, who shall collect the same as other taxes are collected and pay the same to the Territorial Treasurer. The money thus received shall not be spent for any other purpose or purposes than for paying the expense of collection, which shall not exceed 4 per cent of the sum collected, for paying expense of printing necessary forms of blank reports, school laws, and the salary of the county superintendent of public instructions, of the expense of his office and paying school teachers. And when said taxes

are paid, the same shall be paid by the various county collectors of the various counties of the Territory into the treasury of the counties to the credit of the general school fund of such county.

Sec. 13. Hereafter the several boards of county commissioners are hereby authorized to cause to be levied and collected annually a special tax not exceeding two mills on the dollar for the purpose of making needed repairs on the County Court Houses and county Jails; the product of such levy, when collected, to be kept separate and apart by the county treasurer in a fund to be known and called "The Court House Repair Fund," which shall not be used for any purpose other than above provided.

Sec. 14. This act shall be in full force and effect from and after its passage.

CHAPTER XCI.

AN ACT RELATING TO SALARIES PAID TO JUDGES BY THE TERRITORY. C. B. No. 97; Approved March 21, 1901.

CONTENTS.

Section 1. Judges Must File Written Statement Concerning Cases Under Advisement, With the Auditor.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. Neither the Chief Justice or [nor] any of the Associate Justices of the Supreme Court of this Territory, shall receive or be allowed to draw any part of the salary, paid by the Territory under the provisions of any law of the Territory, unless he files a written statement signed by him, that no cause submitted to him, as Judge of the District Court, has been held by him under advisement and no final decision rendered therein within six months after such submission prior to making such statement. And the Territorial Auditor shall not draw any warrant for the salary of any of said Judges until the statement provided for in this Act is made and filed in his office.

Section 2: All Acts and parts of Acts in conflict with this Act are hereby repealed, and this Act shall be in force and effect from and after its passage.

CHAPTER XCII.

AN ACT IN REGARD TO DAMAGES AND OTHER PURPOSES.

C. B. No. 109; Approved March 21, 1901.

CONTENTS.

Section 1. Repealing Sections of Compiled Laws of 1897, Regarding Damages to Fields.

Section 2. Owners of Animals Damaging Fields Liable. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Sections 145, 146, 147, 148, 149, 150, 151 compiled laws 1897 are hereby repealed.

Section 2. All damage or injury done to any fields sown with grain shall be paid for by the owner of the animals committing the said damage or injury after the damage shall have been appraised or valued by the parties interested or in case of dispute by two appraisers appointed for the purpose by said interested parties. *Provided, however,* if the owners are unknown, before the justice of the peace shall be authorized to proceed in having the damages assessed or costs incurred further than as may be with respect to costs for due care of the live stock, if the same be turned over to his custody, he shall communicate with the Secretary of the Cattle Sanitary Board of New Mexico, giving all brands and marks on said animals and the parts of the animals on which the same are placed for the purpose of ascertaining if the said brands are on record and if so, in whose name they stand recorded, in order that information of the trespass and damage may be made known to their owner or owners, and an opportunity be given them to adjust and pay the same.

Section 3. All acts and parts of acts in conflict herewith are repealed; and this act shall be in force from and after its passage.

CHAPTER XCIII.

AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE SESSION LAWS OF 1899. *C. B. No. 118; Approved March 21, 1901.*

CONTENTS.

Section 1. Stay of Execution of Sentence in Criminal Convictions.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That section 3420 of the Compiled Laws of 1897, as the same was amended by Section two (2) of Chapter thirty-two (XXXII) of the session laws of 1899, is amended by striking out in the fifth line of said section as so amended the words "a term exceeding five years," and inserting in lieu thereof the word "life."

Sec. 2. This act shall be in force from and after its passage.

CHAPTER XCIV.

AN ACT PROVIDING FOR THE ASSESSMENT FOR TAXATION OF THE PROPERTY WITHIN THE LIMITS OF THE COUNTIES OF LUNA AND M'KINLEY FOR THE BENEFIT OF THOSE COUNTIES. *C. B. No. 124; Approved March 21, 1901.*

CONTENTS.

Section 1. Manner of Making Assessments.

Whereas, the boundaries of the counties of Luna and McKinley have been fixed and established by law since the first day of March A. D. 1901,

And Whereas under the general revenue law now in force assessments for taxation are to be made upon the property within the limits of each county on the 1st day of March in each year.

Now Therefore for the purpose of definitely fixing the property in the counties of Luna and McKinley to be assessed for taxation:

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That all the property, persons and citizens,

within the limits and boundaries of the counties of Luna and McKinley as established and fixed by the 34th Legislative Assembly be assessed for taxation by the assessors of said counties to the same extent, and in the same manner, and with the same effect, as if the said new limits and boundaries had been fixed and established before the 1st day of March A. D. 1901.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

CHAPTER XCV.

AN ACT TO AMEND SECTION EIGHT (8) OF CHAPTER TWENTY-TWO (22) OF THE SESSION LAWS OF 1899. *C. S. for C. B. No. 14; Approved March 21, 1901.*

CONTENTS.

Section 1. Exemptions From Taxation. Amount.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

inserted
1905-
66. Section 1. That section eight (8) of Chapter Twenty-two (22) of the session laws of 1899 be amended so as to read as follows:

"Section 8. That section 1757 of the Compiled Laws of 1897 is hereby repealed, and in lieu and stead thereof is enacted the following:

That there shall be exempt from taxation for Territorial, County and School purposes a family homestead, actually owned, occupied and used as such by the head of the family residing in this Territory, to the amount in value of Two Hundred Dollars, *provided*, that any person making claim for exemption must list the property for taxation, and before any such exemption shall be granted the claimant must make oath before the assessor as to the true market value of such property, and further swear that he is the head of a family, residing in this Territory; *provided*, that any head of a family claiming the benefits of this section whoshall in any manner assign, transfer or set over any part or portion of his homestead for the purpose of distributing its value between or among different persons, being heads of families, so that said homestead, or any portion thereof, shall be below the sum of Two Hundred Dol-

lars in value, and so that more than one homestead exemption may be claimed in such homestead, such person shall not receive the benefits of said exemption, but the whole of such homestead shall be assessed at double its actual value, and he shall be compelled to pay taxation thereon without the benefits of any exemption thereon. *Provided further*, that in the event that any head of a family residing in this Territory should not be the owner of a homestead, or the value of whose homestead does not amount to the sum of Two Hundred Dollars, then such person shall be entitled to an exemption in a sum sufficient to make the total value of his exempt property Two Hundred Dollars, which said exemption shall be allowed only out of the following classes of property, to-wit, real estate other than a homestead which the said head of family owns or is possessed of in the county wherein he resides and has his domicile; farming implements, wagons, one team, either of horses, mules, burros, or one yoke of oxen, or one milch cow, or he may have such exemption, in the absence of such personal property, out of goats or household or kitchen furniture.

Section 2. This act shall be in force and effect from and after its passage.

CHAPTER XCVI.

AN ACT TO AMEND SECTION 4066 OF THE COMPILED LAWS OF 1897, AND FOR OTHER PURPOSES. *C. S. for C. B. No. 123; Approved March 21, 1901.*

CONTENTS.

Section 1. When Taxes Become Delinquent. Penalty to be Added.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. That section four thousand and sixty-six (4066) of the Compiled Laws of 1897, as the same was amended by section ten (10) of Chapter twenty-two (22) of the Acts of the thirty third Legislative Assembly of 1899, be and the same is hereby amended by striking out the first sentence thereof, and inserting in lieu thereof the following:

"On the first day of December of each year one half of the unpaid taxes levied during that year and on the first day of June next following the remaining half of said taxes shall become delinquent and there shall be added on the second days

of December and July respectively one per cent of the amount of such delinquent taxes as a penalty for non payment."

Section 2. Hereafter no rebate shall be allowed upon payment of any taxes in advance of the date at which they would become delinquent.

CHAPTER XCVII.

AN ACT RELATING TO THE COMPENSATION OF STENOGRAPHERS FOR THE DISTRICT COURTS OF THE TERRITORY OF NEW MEXICO. C. B. No. 120; *Approved March 21, 1901.*

CONTENTS.

Section 1. Compensation of Court Stenographers. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That the official stenographer for each district court in the Territory of New Mexico, shall receive a compensation of seven dollars per day as now provided by law, to be paid out of the court fund, for his attendance upon and for services he may be required by the court to perform, at and during a term of said court, and for any services he may be required by the court to perform in the trial of causes before the court in chambers: *Provided*, that the amount which may be paid said official stenographer for services performed by him in the trial of causes before the court in Chambers, shall not exceed one hundred and fifty dollars per annum.

Sec 2. This act shall be in full force and effect from the date of its passage.

CHAPTER XCVIII.

AN ACT REQUIRING TERRITORIAL INSTITUTIONS TO ACCOUNT
FOR PUBLIC MONEY RECEIVED BY THEM. C. B. No. 78;
Approved March 21, 1901.

CONTENTS.

Section 1. Records and Itemized Accounts to be Kept. Itemized Accounts to
Accompany Requisition for Money.

Section 2. Accounts of Charitable Institutions.

Section 3. Detailed Statement of Receipts and Disbursements. Penalty.

Section 4. List of Pupils Enrolled to be Transmitted to Governor.

*Be it enacted by the Legislative Assembly of the Territory of New
Mexico:*

Section 1. The boards of managers of the different territorial institutions, under whatsoever name they may be legally designated, are hereby directed and required to keep in suitable books of record a strict account of all moneys received by them from the Territory, and also itemized accounts of the disbursement of the same. They shall require all bills against such institutions to be made out in duplicate, and all salaries or other expenditures except for bills and current expenses shall be receipted for in duplicate, one of such bills or receipts to be kept by the said board of managers with the other papers and property of the institution, and the other to accompany all requisitions upon the Auditor of the Territory for warrants, and no warrant shall be drawn by the Auditor for any amount in favor of any such institution unless the requisition therefor is accompanied with such itemized receipts for the money expended after the last requisition.

Sec. 2. The persons in charge of each charitable or other institution which receives territorial aid, shall make their requisitions upon the Auditor in the same manner as is provided for territorial institutions in section one of this act, and shall keep books and furnish itemized duplicate receipts for all moneys received and paid out, in the same manner.

Sec. 3. It is hereby made the duty of the several boards of managers of territorial, charitable or other institutions which receive any money from the territorial treasury, at the end of each fiscal year to make out an itemized and detailed statement of all receipts and disbursements of such institution up to and including the last day of said fiscal year, which shall

be sworn to as correct by the secretary, treasurer, or other accounting officer of such institution who draws and receives the territorial funds, and shall be transmitted to the Governor of the Territory within the first thirty days of the new fiscal year; and any failure on the part of any person or officer to perform the duties herein specified shall subject such person to removal from his position, and in case he is a bonded officer it shall be considered as a breach of his bond and be a misdemeanor in office, for which he may be fined in any sum not exceeding five hundred nor less than one hundred dollars, which shall be recovered from him and the sureties on his bond as a penalty.

repealed 2, 1907
240 Sec. 4. The governing Boards of the several Educational Institutions of this Territory shall, at the same time when the annual financial statement required by Section 3 of this Act, is to be made, also make and transmit to the Governor, a list of the pupils enrolled in such institution on the last day of the preceding fiscal year, stating the name, age, residence and grade of each pupil.

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER XCIX.

AN ACT IN REGARD TO APPEALS AND WRITS OF ERROR. C.
 B. No. 125: *Approved March 21, 1901.*

CONTENTS.

Section 1. Rights of Appellant or Plaintiff in Error in Appeals to Supreme Court.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Sec. 1. In all causes finally determined in any of the Districts Court of this Territory, and, an appeal or writ of error has been or may be sued out or taken to review said cause in the Supreme Court of the Territory, the appellant or plaintiff in error shall have the right to docket such appeal or writ of error at any time before a motion by appellee or defendant in error to docket and affirm judgment. When such cause shall be docketed by the appellant or plaintiff in error, the record may be perfected within thirty days thereafter, or, the said ap-

peal or writ of error may be dismissed by such appellant or plaintiff in error filing with the clerk of the Supreme Court a written dismissal, and thereafter at any time such appellant or plaintiff in error may take a new appeal or sue out a writ of error anew in said cause, provided the same be so taken or sued out within one year from the date of the judgment sought to be reviewed, became final.

Sec. 2. This act shall be in force and effect from and after its passage.

CHAPTER C.

AN ACT PROVIDING FOR THE COLLECTION, ARRANGEMENT, AND DISPLAY OF THE PRODUCTS OF THE TERRITORY OF NEW MEXICO AT THE LOUISIANA PURCHASE EXPOSITION, OR ST. LOUIS WORLD'S FAIR, OF 1903, AND TO MAKE AN APPROPRIATION THEREFOR. *C. B. No. 84; Approved March 21, 1901.*

CONTENTS.

Section 1. The Territorial Board of Louisiana Purchase Exposition Managers of New Mexico Created.

Section 2. Governor to Appoint. Organization. Vacancies.

Section 3. Compensation of Members of Board.

Sections 4, 5, 6 and 9. Duties of the Board.

Section 7. Appropriation.

Section 8. Tax Levy to be Made by Auditor.

Section 10. County Commissioners May Make Appropriation.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That for the purpose of exhibiting the resources, products and general development of the Territory of New Mexico, at the Louisiana Purchase Exposition or Saint Louis World's Fair, to take place in or near the City of Saint Louis, in the State of Missouri, in 1903, a Commission is hereby created, to be called The Territorial Board of Louisiana Purchase Exposition Managers of New Mexico, to be organized and continue its duties as hereinafter provided; said commission to consist of seven men, residents of the Territory of New Mexico.

Section 2. The members of said territorial board shall be appointed by the Governor of New Mexico within sixty days

after the passage of this act. Said members shall meet within thirty days after their appointment, and organize by the election of a president, Vice President, a secretary, and treasurer, who shall act as aforesaid, and in the absence of the president the Vice President of said board shall be the presiding officer thereof. Five members of said board shall constitute a quorum for the transaction of business. The said board shall have power to make rules and regulations for its own government, and to do such other things as may be necessary and proper for carrying out the provisions of this act. Any member of said board may be removed, at any time, by the Governor, for cause, and any vacancy which may occur in the membership of the board shall be filled by appointment by the Governor.

Section 3. The members of the board created by virtue of this act shall be each entitled to their actual expenses for transportation, and the sum of four dollars per day for subsistence for each day necessarily absent from their homes on the business of said board, but no member of said board shall receive any further compensation from said Territory.

Section 4. The said board shall have charge of the collection and preparation of the exhibits of New Mexico for said Exposition or Saint Louis World's Fair; and it shall communicate with the officers thereof and obtain and disseminate through New Mexico all necessary information regarding said Exposition in due and ample time for the proper exhibit of said resources and products of New Mexico at said Exposition.

Section 5. The members of said board shall have and exercise full authority in relation to the participation, the display and the arrangement of the said exhibits of New Mexico, and the reception of its citizens, at said Louisiana Purchase Exposition or Saint Louis World's Fair of 1903, but shall incur no expense to the Territory of New Mexico in such reception of its citizens.

Section 6. The said board shall make a report of its proceedings and expenditures from time to time to the Governor, and at any time upon his written request, and such reports shall be transmitted by him to the Legislative Assembly of the Territory of New Mexico of 1903, together with such suggestions as he may deem important regarding the complete and creditable representation of New Mexico at said Exposition.

Section 7. To carry out the provisions of this act, the sum of twenty (\$20,000) thousand dollars, or so much thereof as may be necessary, is hereby duly appropriated, from taxes to be levied and collected for such purpose, as hereinafter provid-

ed, and the territorial treasurer is hereby directed to pay the same, from the fund to be created from said taxes to be levied and collected as aforesaid, on requisition of said board, signed by the president and secretary thereof, and approved by the Governor, and accompanied by estimates of the expenses for the payment of which the money so drawn is to be applied.

Section 8. Said funds shall be called the Louisiana Purchase Exposition Fund, and for the purpose of creating and establishing said fund as specified in section seven of this act, the Auditor of the Territory shall cause to be levied upon all the taxable property in the Territory during the 52nd fiscal year a tax of two-fifths of one mill, and the said Auditor shall cause to be levied upon all property in the Territory during the 53rd fiscal year a tax of two-fifths of one mill, to be certified by him each of said fiscal years to the various county commissioners as all other territorial taxes are levied and certified, and to be collected in the same manner as other territorial taxes.

Section 9. The said board shall make a detailed report of all its doings under this act, together with all moneys expended thereunder, to the Governor, by the 15th day of December, 1902, showing in detail all work done and expenditures made up to that date; and the said board shall exist no longer than January first, 1904, after the close of said Exposition or World's fair of 1903, and at that time shall make a full detailed and itemized final report of all its doings under this act, and of all moneys expended thereunder, which shall not in any event exceed said appropriation of twenty thousand dollars. And said board shall in no event incur any indebtedness which, together with the amount expended, shall exceed said sum of twenty thousand dollars. Copies of said reports, together with all receipts, vouchers, documents, books and records of the said board shall be filed in the office of the Auditor of the Territory.

Section 10. The boards of county commissioners of the several counties of the Territory are hereby empowered to appropriate such sums of money as they may deem proper to assist said board of managers in collecting and preparing the products of such counties for exhibition at said exposition.

Section 11. This act shall take effect and be in force from and after its passage.

CHAPTER CI.

AN ACT WITH REFERENCE TO BILLS ALLOWED BY BOARDS
OF COUNTY COMMISSIONERS. *H. B. No. 116; Approved
March 21, 1901.*

CONTENTS.

Section 1. All Bills Ordered Paid by County Commissioners and Clerks of
District Courts Subject to Amount of Taxes Owning by Payee.

Section 2. Treasurer to Deduct Amount of Taxes.

Section 3. Penalty. Removal From Office.

*Be it enacted by the Legislative Assembly of the Territory of New
Mexico:*

Section 1: That hereafter when any bills are allowed and ordered paid by any Board of County Commissioners, the same shall have stamped written or printed on the face thereof by the Clerk of said Board, the following words "subject however to the payment of any taxes, penalties and costs thereon due from the payee or any assignee, as shown by the tax rolls of said County, which is to be deducted herefrom" and any warrant, order or certificate drawn for the payment of any such bill or drawn by any clerk of the district court for the payment of moneys to any juror or witness out of the county treasury shall have stamped, written or printed on the face thereof, the above words in quotation which shall be so placed thereon by said Clerk of said Board or court.

Section 2: That whenever said bill, warrant, order or certificate is presented to the Treasurer of said County for payment, he shall first deduct therefrom the amount of taxes, penalties and costs thereon due by said payee or any assignee thereof, as shown by the tax rolls of said County, and pay over the balance, if any funds on hand out of which the same is ordered paid, and issue a receipt for the amount of taxes, penalties and costs so deducted and paid.

Section 3: Any officer violating any of the provisions of this act shall be fined in any sum not less than twenty-five dollars, nor more than five hundred dollars, and shall be immediately removed from office by the Governor.

Section 4: All Acts and parts of acts in conflict herewith, are hereby repealed and this Act shall take effect from and after its passage.

CHAPTER CII.

AN ACT TO AMEND SECTION 125 OF THE COMPILED LAWS OF 1897. *H. B. No. 164; Approved March 21, 1901.*

CONTENTS.

Section 1. Killing of Unbranded or Freshly Branded Cattle a Misdemeanor.
Penalty.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That Section 125 of the Compiled Laws of 1897 of New Mexico be amended to read as follows:

"Section 125. Any person, firm or corporation who shall kill or cause to be killed for sale or use any unbranded neat cattle, or any cattle on which the brand has not peeled off and fully healed, unless such cattle shall have an older and duly recorded brand; or shall purchase and kill or cause to be killed for sale or use any neat cattle, having a brand not legally owned by such person, firm or corporation, without having taken a duly acknowledged bill of sale for the same from the owner thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not less than fifty nor more than two hundred dollars for each offense. All amounts collected under this section shall go one-half into the court fund and one-half into the school fund of the county in which such conviction is had."

Section 2. This act shall take effect and be in full force from and after thirty days from its passage.

CHAPTER CIII.

AN ACT TO PROVIDE FOR THE REFUNDING OF BONDS ISSUED BY CITIES OR TOWNS FOR SCHOOL PURPOSES, OR TO FURNISH SCHOOL HOUSES, AND TO VALIDATE SUCH BONDS. *H. B. No. 184; Approved March 21, 1901.*

CONTENTS.

Section 1. Bonds Issued for School Purposes Validated and Legalized.

Section 2. Cities and Towns May Refund Outstanding Bonds.

Section 3. Manner of Issuing Such Refunding Bonds.

Section 1. Be it enacted by the Legislative Assembly of the Territory of New Mexico, as follows:

In all cases where any of the Cities or towns within the Territory of New Mexico, have heretofore issued bonds for the purpose of raising funds wherewith to purchase grounds for school buildings and school purposes, or with which to construct a school house or school houses, or with which to furnish school houses, and the proceeds of such bonds have been actually used for such purpose, or for any of them, such bonds are hereby, validated, and legalized.

Section 2. In all cases mentioned in the foregoing section, where any such bonds have been issued, the City or town issuing the same, or the successor of such City or town, is hereby authorized and empowered to refund such bonds as may be outstanding, par for par, at a rate of interest not exceeding five per cent, and running for a period of not less than ten or more than forty years.

Section 3. Whenever the City Council of any City, or the Board of Trustees of any town, in this Territory, shall determine to refund any of the bonds in this act mentioned, such Council or Board of Trustees, shall make and enter of record in their proceedings, a general description of the bonds to be refunded, giving the date and amount of such issue, also an order to the effect that such bonds be refunded, stating the interest such refunding bonds are to bear, and the time they are to run; and when the bonds are refunded the refunding bonds shall bear a certificate, stating that they are issued under the authority of this act, that they are such bonds as may be properly refunded under this act, which certificate shall be signed by the Mayor, and Countersigned by the Clerk, and attested by the seal of the municipality issuing such refunding bonds. A record shall be made by the municipality refund-

ing such bonds showing the number, and amount of the refunding bonds issued, to whom issued or sold, the time when payable and the rate of interest.

Section 4. This act shall be in force and effect from and after its passage.

CHAPTER CIV.

AN ACT AUTHORIZING CITY AND TOWN COUNCILS TO STRAIGHTEN OR ALTER ANY OF THE STREETS OR ALLEYS THEREOF, AND FOR OTHER PURPOSES. *C. B. No. 65; Approved March 21, 1901.*

CONTENTS.

Section 1. Municipalities May Exchange Lands For Purposes of Straightening Streets and Alleys.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That whenever in the judgment of the City or Town Council of any of the Cities or Towns of this Territory, it may be necessary for the convenience of such City or Town in order to facilitate traffic, to straighten or alter any of the streets or alleys in such Cities or Towns, then the said City or Town Council shall and are hereby authorized and empowered to exchange any land or lands covered by such streets or alleys for any land or lands owned and held in fee simple by any person or persons, with the consent of the owner thereto and convert such land or lands received in exchange into streets or alleys which shall be opened up and laid out in such manner as in the judgment of the said City or Town Council may best serve the convenience of the public. The said City or Town Council are further authorized and empowered to execute a deed or deeds to any such person or persons for any land or lands so exchanged under the provisions of this act.

Section 2. This act shall take effect and be in full force from and after its passage, and all acts or parts of acts in conflict with the application of this act, are hereby repealed.

CHAPTER CV.

AN ACT RELATING TO THE LICENSING OF DOGS. C. B. No. 82; *Approved March 21, 1901.*

CONTENTS.

Section 1. Municipalities Shall Collect License Tax on Dogs. Neglect to Pay Tax a Misdemeanor. Penalty.

Section 2. Owner of Dog Liable for Damages to Sheep.

Section 3. Vicious Dogs not to be Kept.

Section 4. Dangerous Dogs to be Killed. Penalty.

Sections 5 and 7. Municipalities to Control by Ordinance.

Section 6. Dogs Declared to be Property.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. Every incorporated city, town or village, shall collect a tax of One Dollar (\$1.00) per annum upon each male dog, and Two Dollars (\$2.00) per annum upon each female dog for municipal purposes, and any person who shall keep upon his premises any dog, male or female, without having paid the tax to the proper officer of the city, town or village, shall be guilty of a misdemeanor, and shall be fined in the sum of Ten dollars (\$10.00) together with the costs of prosecution.

Section 2. If any dog shall kill or injure any sheep, the owner or keeper of such dog shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction, and it shall be unlawful to keep such dog after it is known that the dog is liable to kill sheep, but it shall be the duty of the owner to kill the same.

Section 3. It shall be unlawful for any person to keep any dog known to be vicious and liable to attack and injure human beings, unless such dog is securely kept so as to prevent injury to any person; and it shall be unlawful to keep any dog which may have shown any symptom of madness or rabies.

Section 4. It shall be the duty of all persons who may be the owner or keeper of any such dogs, the keeping of which is declared to be unlawful, to cause such dog to be killed, and any failure to comply with this provision of this section, after knowledge by the owner or keeper, of the fact, which rendered such keeping unlawful, shall subject such owner or keeper to a fine of Ten dollars (\$10.00) and costs, and each day's failure to comply with the law may be held a separate offense.

Section 5. Each of said municipal corporations shall make provision by ordinance for the seizure and killing of all dogs running at large and not claimed or harbored by any person on their premises.

Section 6. All dogs lawfully kept, and as to which the owner has complied with the law, are hereby declared to be property, and entitled to the protection of the law as such.

Section 7. All of said municipal corporations are authorized to provide for the enforcement of this act by ordinance.

Section 8. All Acts, or parts of acts, conflicting with this Act, are hereby repealed, and this act shall be in force and effect from and after its passage.

CHAPTER CVI.

AN ACT IN RELATION TO THE TRANSACTION OF BUSINESS BY FIRE INSURANCE COMPANIES OR ASSOCIATIONS, OTHERWISE THAN THROUGH RESIDENT AGENTS. *C. B. No. 91; Approved March 21, 1901.*

CONTENTS.

Section 1. All Business to be Transacted Through Resident Agents. Proviso.

Section 2. Regarding Re-Insurance.

Section 3. Duties of Auditor Under This Act.

Section 4. Penalty.

Section 5. Emergency Enactment.

Be it enacted by the Legislative Assembly of the Territory of New Mexico.

Section 1. No fire insurance company or association not incorporated under the laws of this territory, authorized to transact business herein, shall be made, write, place or cause to be made, written or placed, any policy, duplicate policy or contract of insurance of any kind or character, or any general or floating policy, upon property situated or located in this territory except after the said risk has been approved, in writing, by an agent who is a resident of this territory, regularly commissioned and licensed to transact insurance business therein, who shall countersign all policies so issued and make a record of the same on books provided for that purpose and receive the commission thereon when the premium is paid, to the end that the territory may receive the taxes required by law to be paid on the premiums collected for insurance on all property

*Repealed
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located in the territory, and the agents be paid the commission thereon. Nothing in this act shall be construed to prevent any such insurance company or association, authorized to transact business in this territory from issuing policies at its principal or department offices covering property in this territory, *provided* that such policies are issued upon applications procured and submitted to such company by agents who are residents of this territory, and licensed to transact the business of insurance herein and who shall countersign all policies so issued and receive the commission thereon when paid; *provided*, no provision of the section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit, while in the possession and custody of railroad corporations or other common carriers, nor to the movable property of such common carriers used or employed by them in their business as common carriers of freight, merchandise or passengers.

Section 2. No fire insurance company or association shall reinsure, or assume as a reinsuring company or otherwise in any manner or form whatever, the whole or anypart of any risk or liability, covering property located in this territory, of any insurance company or association not authorized to transact business in this territory.

Section 3. Whenever the Auditor of Public Accounts shall have cause to believe that any fire insurance company or association, not incorporated under the laws of this territory, has violated any of the provisions of section 1 of this act, he is authorized, at the expense of such company or association, to examine, by himself or his accredited representative, at the principal office or offices of such company or association, located in the United States of America, or in any foreign country, and also at such other offices or agencies of such company or association as he may deem proper, all books, records and papers of such company or association, and may examine under oath, the officers and managers and agents of such company or association as to such violation or violations. The refusal of any such company or association to submit to such examination or to exhibit its books and records for inspection shall be presumptive evidence that it is violating the provisions of the first section of this act and shall subject it to the penalties prescribed and imposed by this act.

Section 4. Any insurance company or association violating or failing to observe and comply with any of the provisions of this act, applicable thereto, shall be subject to and liable to pay a penalty of five hundred (\$500) dollars for each violation thereof and for each failure to observe and comply with any

provisions of this act; such penalty may be collected and recovered in an action brought in the name of the territory in any court having jurisdiction thereof. Any insurance company or association which shall neglect and refuse for thirty days after judgment in any such action to pay and discharge the amount of such judgment shall have its authority to transact business in this territory revoked by the Auditor of Public Accounts and such revocation continue for at least one year from the date thereof, nor shall any insurance company or association whose authority to transact business in this territory shall have been so revoked be again authorized or permitted to transact business herein until it shall have paid the amount of any such judgment and shall have filed in the office of the Auditor of Public Accounts a certificate signed by its president or other chief officer to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the conditions of its right and authority to transact business in this territory.

Section 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Whereas, an emergency exists in that a large portion of the fire insurance business is written by non-resident agents, thereby making it impossible for the territory to collect the taxes justly due it on account of such business, therefore this act shall take effect and be in force from and after its passage and approval.

CHAPTER CVII.

AN ACT TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT REQUIRING THE INSURANCE AGAINST LOSS BY FIRE OF THE PUBLIC BUILDINGS OF THE TERRITORY, AND OF THE VARIOUS COUNTIES THEREOF," BEING CHAPTER XXVI OF THE SESSION LAWS OF 1899, PASSED BY THE THIRTY-THIRD LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO; H. B. 60, APPROVED MARCH FIRST, 1899. *C. B. No. 81; Approved March 21, 1901.*

CONTENTS.

Section 1. Public Buildings Belonging to the Territory and the Various Counties to be Kept Insured Against Damage by Fire. Proviso.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That Section 1 of Chapter 26 of the Session Laws of 1899, be and the same is hereby amended to read as follows:

All officers and boards, charged with the custody and control of public buildings belonging to the Territory, shall keep the same insured for the benefit of the Territory against loss or damage by fire, to the amount of three-fourths (3-4) of the estimated value of the buildings at the time the insurance is applied for, and in the event that insurance can not be obtained upon the same to such an amount, then insurance shall be taken for an amount such as can possibly be obtained to reach three-fourths (3-4) of such estimated value; and each Board of County Commissioners of the various counties of the Territory, shall keep the public buildings belonging to said counties insured in like manner for the benefit of said counties; said insurance in each case, to be taken out with companies, or agencies, in the county where such buildings may be located, if possible, and shall be given to the company or agent offering the lowest premium and rate of insurance.

Provided, however, that such insurance shall be taken out with, and given only to such company, or companies, as have fully complied with the laws of the Territory with reference to carrying on business therein.

Section 2. All Acts or parts of acts in conflict herewith, are hereby repealed, and this Act shall take effect and be in force from and after its passage.

CHAPTER CVIII.

AN ACT IN REGARD TO LICENSE TAXES. *Amended H. B. No. 163; Approved March 21, 1901.*

CONTENTS.

Section 1. Dealers in Merchandise.

Section 2. Hotels and Restaurants. Livery or Feed Stables. Proviso.

Section 3. License Other Than for Sale of Liquors and Conducting Gaming Devices. Penalty.

Section 4. Penalty for Failure to Pay License Tax.

Section 5. Assessor to Keep a List; to Notify Firms and Corporations. District Attorney to Prosecute.

Section 6. Manner of Securing License. Sheriff to Collect.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

Section 1. That sub-division second of section 4141 of the Compiled Laws of 1897 of New Mexico be and the same is hereby amended to read as follows: *amended L. 1903 p. 197.*

"Second. Dealers in merchandise other than liquors, whose annual sales do not exceed ten thousand dollars, shall pay a license tax of ten dollars per annum."

Sec. 2. That section 4144 of the Compiled Laws of 1897 of New Mexico be, and the same is hereby amended to read as follows:

"Sec. 4144. Keepers of hotels, inns or restaurants, where food or lodging is provided, and whose annual receipts exceed one thousand dollars, and do not exceed two thousand dollars shall pay a license tax of twenty dollars per annum; those whose annual receipts exceed two thousand dollars, and do not exceed five thousand dollars shall pay a license tax of forty dollars per annum, and all whose annual receipts exceed five thousand dollars, shall pay a license tax of sixty dollars per annum.

All keepers of livery or feed stables and owners of stage lines shall pay a license tax of ten dollars per annum.

The provisions of this section shall not apply to private boarding houses where food or lodging is not furnished to travelers or transients."

Sec. 3. That section 4147 of the Compiled Laws of 1897 of New Mexico be amended to read as follows:

"Sec. 4147. Every person, firm or corporation who is re-

quired to pay an occupation or license tax other than for the sale of liquors or for games or gaming tables, shall, before doing business, make out an application, under oath, stating the names of the applicants, the character of the business for which the license is desired, the place where such business is to be conducted, the time the license is to run, and, if the amount of the license tax is to be graded by the amount of business to be done, or by any other condition relating thereto, then such application shall also state the amount of business done the preceding year, or if no business has been transacted, then the approximate amount of the annual business expected to be done by the applicant, or the conditions required to be known in order to determine the license tax to be paid. The application, when so made out, signed and sworn to shall be presented to the assessor of the county in which the business is to be done, who shall assess and fix the amount of such license tax, and notify the applicant of the amount to be paid. The applicant shall then pay the amount of such license tax to the collector of the county, who shall issue a receipt therefor and deliver the same to the assessor. Upon receiving such receipt, the assessor shall enter a description of such application in the list required by section 4155 as amended in section 5, of this act, and deliver the application and collector's receipt to the clerk of his county. The county clerk shall file such application and receipt in his office for future reference, and enter a description of such application in an index to be kept for that purpose, and he shall then issue, under his hand and seal, a license to do business setting forth the name of the applicant, the kind of business to be transacted, the place where such business is to be carried on, the amount of the license tax imposed and the time the license shall expire, and deliver the same to the applicant. The assessor shall be entitled to receive a fee of fifty cents for such assessment, and the clerk shall receive a like amount for making out such license both fees to be paid by the applicant. Any county clerk who shall issue and deliver any such license before receiving the collector's receipt for the license tax for the business to be carried on, shall be deemed guilty of a misdemeanor, and, upon conviction be fined not less than fifty dollars nor more than one hundred dollars for each offense, and be subject to removal from office.

Sec. 4. That section 4149 of the Compiled Laws of 1897 of New Mexico be, and the same is hereby amended to read as follows:

"Section 4149. Any person, firm or corporation who shall engage in or carry on any business or avocation, for which a

license is required without having paid such tax, shall be required to pay double the amount of such tax for the time which has expired from the beginning of such business or avocation until a legal application for a license shall have been made; and if such person, firm or corporation shall refuse or neglect to take out a license, and pay the penalty above mentioned, for thirty days after receiving a notice from the assessor, a notice such as is required by section 4155 as amended by section 5 of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, be fined any sum not less than fifty nor more than one hundred dollars, or be imprisoned in the county jail not more than six months."

Sec. 5. That section 4155 of the Compiled Laws of 1897 of New Mexico be and the same is hereby amended and made to read as follows:

"Section 4155. It shall be the duty of the assessor of each county to keep a list of all persons, firms and corporations who are required to pay an occupation or license tax in his county, so far as he is able to do so from applications or from any other information. Such list shall specify the name of each person, firm or corporation; the kind of business followed and, if an application has been made, and the license tax paid as required by section 4147 as amended by section 3, of this act, the date of the license, the time when it expired and the annual amount of such license tax. It shall be the duty of the assessor to notify any person, firm or corporation, doing business that requires a license, and who has not taken out such license or whose license has expired that such license must be taken out in the manner prescribed by law. If such person, firm or corporation so notified shall refuse or neglect to take out a license for thirty days after such notice has been given, then the assessor shall send a written notice to the district attorney of his district reciting the facts of such failure to comply with the law, and the district attorney shall prosecute the delinquent under section 4149 as amended by section 4 of this act.

Section 6. That section 4154 of the Compiled Laws of New Mexico, of 1897, be and the same is hereby repealed; and that section 4156 of the Compiled Laws of New Mexico, of 1897 be and the same is hereby amended to read as follows:

"Section 4156. That every person, firm or corporation who is required to pay an occupation or license tax as a dealer in liquors or as proprietor of games or gaming tables shall, before doing business make application under oath stating name of applicant; the business or thing for which the tax is to be paid; the place where such business is to be conducted and the

time the license is to run, and present the same to the assessor, who shall assess the amount of the tax required to be paid, and report the same to the county clerk; and the county clerk shall at once issue over his hand and the seal of the board of County Commissioners, a license setting forth the name of applicant; the place where the business is to be carried on; the kind of business for which the license is issued; the amount of the license tax and a blank for the date of payment. The license shall then be delivered to the sheriff of the county who shall collect the amount due thereon, and deliver the license to the party for whom it was issued.

The fees for assessment and issuing license under this section shall be the same as allowed in section 3 of this act.

Sec. 7. This act shall take effect and be in force from and after its passage.

JOINT RESOLUTIONS.

JOINT RESOLUTION I.

PRINTING OF BILLS, RULES, REPORTS, DOCUMENTS AND SUCH OTHER MATTER AS MAY BE ORDERED BY THE LEGISLATIVE ASSEMBLY, IN SPANISH. C. S. for H. J. R. No. 1; Approved February 7, 1901.

Be it resolved by the Council and the House of Representatives of the Thirty-fourth Legislative Assembly therein concurring:

That there shall be printed in the Spanish language such bills, rules, reports, documents and all other matter as may be ordered by this Legislative Assembly.

That the cost of the printing and all other printing in the Spanish language that shall be ordered by the Thirty-fourth Legislative Assembly, shall be paid for out of any funds in the hands of the Territorial Treasurer, except such funds as are for the payment of interest on the Territorial debt and the Auditor is hereby instructed to so draw his warrants in payment of such bills as are incurred under this resolution, upon completion and delivery of the work.

That the Public Printer be and he hereby is directed immediately to print five hundred copies each, in English and Spanish, of the reports of the Territorial Treasurer and Auditor as transmitted to the Governor.

That the President of the Legislative Council and the Speaker of the House of Representatives respectively be and they hereby are directed to appoint a committee to consist of three members each of their respective bodies, which said committees shall meet and employ and fix the compensation of some suitable person to translate the documents and matters directed and ordered to be translated by joint resolution of the Legislative Assembly.

That the cost of translating and printing the aforesaid documents shall be paid for out of any funds in the hands of the

Territorial Treasurer, except such funds as are in his hands for the payment of interest on the Territorial debt.

JOINT RESOLUTION II.

FURNISHING MEMBERS OF THE LEGISLATURE WITH COPIES OF THE COMPILED LAWS OF 1897. *C. J. R. No. 2; Approved February 7, 1901.*

Resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of New Mexico:

That the Librarian of the Territory be and he hereby is authorized and directed to supply to such members of the Legislative Assembly as may desire the same, a copy of the Compiled Laws of New Mexico of 1897, and that said Librarian take credit for the same.

JOINT RESOLUTION III.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE. *C. J. R. No. 5; Approved February 7, 1901.*

Be it resolved:—By the Council and the House of Representatives of the Thirty-fourth Legislative Assembly of the Territory of New Mexico:

That the sum of Two Thousand Dollars be and the same is hereby appropriated to pay the salaries of interpreters, Translators, and contingent expenses of the House of Representatives, of the Legislative Assembly; and the additional sum of Two Thousand Dollars to pay the salaries of interpreters, translators and contingent expenses of the Council of said Legislative Assembly.

That upon presentation of this resolution to the Auditor of the Territory of New Mexico the said Auditor shall draw his warrants against the Territorial Treasurer in favor of Benjamin M. Reed, Speaker of the House of Representatives of said Legislative Assembly, and in favor of J. Francisco Chaves, President of the Council of the said Legislative Assembly, for the sum of Two Thousand Dollars respectively, and said Treasurer hereby is directed and ordered to pay the same out of any funds in the Territorial Treasury at the time

of the presentation of said warrants at his discretion, except funds in his hands for the payment of interest on the Territorial debt.

That the said sums of Two Thousand Dollars respectively shall be hereafter paid out as may be directed by said Thirty-fourth Legislative Assembly of the Territory of New Mexico.

JOINT RESOLUTION IV.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF LEGISLATURE. *C. J. R. No. 7; Approved February 20, 1901.*

Be it resolved, by the Council and the House of Representatives of the Thirty-fourth Legislative Assembly of the Territory of New Mexico:

That the sum of two thousand one hundred and forty dollars be and the same is hereby appropriated to pay the salaries of interpreters, translators, and contingent expenses of the House of Representatives of the Legislative Assembly; and the additional sum of one thousand seven hundred and thirty-one dollars to pay the salaries of interpreters, translators, and contingent expenses of the Council of said Legislative Assembly, both to cover the period up to and including the thirtieth day of the session.

That upon presentation of this resolution to the Auditor of the Territory of New Mexico, the said Auditor shall draw his warrants against the Territorial Treasurer in favor of Benjamin M. Read, Speaker of the House of Representatives of the said Legislative Assembly, and in favor of J. Francisco Chaves, President of the Council of the said Legislative Assembly, for the above mentioned sums of money respectively, and said Treasurer hereby is directed and ordered to pay the same out of any funds in the Territorial Treasury at the time of the presentation of said warrants at his discretion, except funds in his hands for the payment of interest on the Territorial debt.

That the said sums of money respectively shall be hereafter paid out as may be directed by said Thirty-fourth Legislative Assembly of the Territory of New Mexico.

JOINT RESOLUTION V.

PLACING DRAWERS IN THE DESKS OF PRESIDING OFFICERS AND CHIEF CLERKS OF THE COUNCIL AND HOUSE, AND MAKING AN APPROPRIATION THEREFOR. *H. J. R. No. 6; Approved February 28, 1901.*

Whereas the President of the Council and Speaker of the House ordered certain necessary and indispensable improvements to the desks of the presiding officers and chief clerks of the Council and the House, therefore be it

Resolved by the House of Representatives, the Council concurring, that the sum of \$30.86, be and the same is hereby appropriated out of any funds in the treasury of the Territory, and the Auditor of the Territory is hereby directed to issue his warrant for said amount of \$30.86; in favor of Philip Hesch, senior, (he being the carpenter who did the work,) and the Territorial Treasurer is hereby directed to pay the same, and be it further

Resolved that the Secretary of the Territory of New Mexico be, and he is hereby directed to see that the object of this resolution be complied with.

JOINT RESOLUTION VI.

PROVIDING FOR A MEMORIAL BUST OF HON. MAXIMILIANO LUNA. *C. J. R. No. 8; Approved March 8, 1901.*

Whereas: Maximiliano Luna, who was one of the most progressive, public spirited and brilliant young men of this Territory and who had endeared himself to the public by his many lovable and sterling qualities and at the early age of twenty-eight years had acceptably filled the position of Speaker of the House of Representatives of the Thirty-third Legislative Assembly, thereof, and who gallantly upheld the traditions of his distinguished family, and of his nationality and the honor of his country in the war in Cuba and in the present campaign in the Philippine Islands; and lost his life while at the post of duty as an aide to General Lawton near Manila, by drowning, in the month of November 1899.

Now therefore be it resolved by the Legislative Assembly of the Territory of New Mexico:

Section 1. That there shall be placed in the niche behind

the Speaker's stand in the Hall of Representatives of the Capitol building of this Territory, a bust of the Honorable Maximiliano Luna, of such design and material as may be determined by the committee hereinafter provided, as a tribute to the regard and respect in which his memory is held by the people of New Mexico.

Section 2. That for the purpose of carrying this resolution into effect, the Governor shall appoint a committee of three persons, who shall determine the character, design, material and size of such bust and cause the same to be perfected and placed as above directed as soon as the funds hereby appropriated shall become available therefor.

Section 3. For the purpose of this resolution there is hereby appropriated from any funds in the Territorial Treasury, the sum of One Thousand Dollars which shall be paid out by the Treasurer, for the design and construction of such bust, upon the order of such committee.

Section 4. This resolution shall be in full force and effect from and after its passage.

JOINT RESOLUTION VII.

REQUESTING AUTHORITIES IN CHARGE OF THE NATIONAL MUSEUM OF THE SMITHSONIAN INSTITUTE TO TAKE OVER THE OWNERSHIP OF THE OLD PALACE. *H. J. R. No. 7; Approved March 20, 1901.*

Whereas, the building in the City of Santa Fe, known as the Palace, is the oldest public building and the most historic edifice in the United States, having been the seat of governmental power and the home of the executive officials of New Mexico, through all the changes in government for three centuries; and

Whereas, New Mexico itself is more prolific in Archaeological treasures than any other part of the Union, and has already contributed more largely than any other state or territory to the National Museum; and it is desirable that its peculiar historical objects should be preserved in one place, and amid their natural environment, instead of being scattered all over the world, and

Whereas, the Territorial Legislatures of 1882 and 1884, asked that this historic edifice be devoted to the preservation of the antiquities of New Mexico, and two Secretaries of the Interior have officially recommended that its permanent use be

that of a museum of the antiquarian collections of the Southwest, and

Whereas, by inadvertence in the wording of the Act of Congress which donated public lands to the Territory for educational and other purposes passed June 21, 1898, the Palace property was included in the cession made by the United States to New Mexico without any wish for such cession on the part of our people, and

Whereas, the two Houses of the last Legislature, each by a unanimous vote, passed a joint resolution, asking the United States to re-assume ownership of said property and that a western branch of the National Museum be established at the Palace.

Now, therefore, be it resolved (if the Council concur), that this Legislature considers that the appropriate future of the Palace should be as the home of the great collections, of Archaeological and other antiquities of New Mexico and the Southwest.

Resolved; That we request the authorities in charge of the National Museum of the Smithsonian Institution to establish a Southwestern Museum of the character hereinbefore indicated as the Palace property with the ancient Palace itself as the center.

Resolved; That the Territorial Board of Public Lands be authorized and directed to convey said palace property either to the United States or to the Smithsonian Institution upon condition that a branch either of the National Museum, or the Museum of the Smithsonian Institution, be established and maintained therein; that the Palace building be preserved in good order, and without material changes in its general structure and appearance forever; that the New Mexico Historical Society be allowed such space in said building as it may require for the proper exhibition of its collection of New Mexican antiquities and other objects illustrating the history of the Territory, as a part of said general exhibition; that the exhibition rooms in said building be open to the public without charge forever and that no expense for arrangement or maintenance of said building and its contents be a charge on New Mexico or any civil division thereof.

JOINT RESOLUTION VIII.

PRINTING OF GOVERNOR'S MESSAGE IN BOTH ENGLISH AND SPANISH. *C. J. R. No. 1; Approved March 18, 1901.*

Be it resolved by the Council and the House of Representatives of the Thirty-fourth Legislative Assembly:

That one thousand copies in English and one thousand copies in Spanish, of the Governor's Message and accompanying exhibits be printed for the use of the Governor and the two bodies of this Legislative Assembly. *Provided* that the message, without the attached exhibits, only shall be included in the printed copies of the journals of the two bodies, when printed. That the Territorial Auditor shall draw his warrant in payment of the copies printed in Spanish, upon any funds in the hands of the Territorial Treasurer, except funds in his hands for the payment of interest on the Territorial indebtedness, upon completion and delivery of the same; the English copies to be paid for by the United States.

JOINT RESOLUTION IX.

APPOINTING R. L. BACA TRANSLATOR OF THE GOVERNOR'S MESSAGE AND MAKING AN APPROPRIATION THEREFOR. *H. J. R. No. 12; Approved March 19, 1901.*

Be it resolved by the House of Representatives, and the Council concurring, of the Thirty Fourth Legislative Assembly of the Territory of New Mexico:

Whereas R. L. Baca was named, and appointed by a Joint Committee of the 34th Legislative Assembly of the Territory of New Mexico, to translate the message of the Governor of New Mexico, and the reports made to the Governor by all the different Territorial officials; and

Whereas said R. L. Baca was named and appointed to do this work by the duly authorized Joint Committee of the 34th Legislative Assembly, and each respective Committee of each Body; having fully notified their respective Bodies of their action in the premises, and;

Whereas the said R. L. Baca has faithfully done the work as instructed by said Joint Committee;

Therefore; the Auditor of the Territory is hereby directed,

and ordered to draw his warrant for the sum of six hundred dollars in full payment of such work, in favor of R. L. Baca; upon any funds in the hands of the Territorial Treasurer, on presentation of his bill for the same approved by the members of the above mentioned Joint Committee, and which Committee consisted of the following named gentlemen; On the part of the House of Representatives, Honorables E. C. Abbott, Honorable Cristobal Sanchez, Honorable Indalecio Sena, on the part of the Council, Honorable Thomas Hughes, Honorable Chas. F. Easley, and Honorable C. G. Cruickshank; the said bill to be paid out of any moneys in the hands of the Territorial Treasurer, except the money appropriated for the interest fund of the Territorial debt.

JOINT RESOLUTION X.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE. *C. J. R. No. 13; Approved March 20, 1901.*

Resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of New Mexico.

Section 1. That there is hereby appropriated for the pay of Interpreters, Translators, and for contingent expenses of the Thirty-fourth Legislative Assembly, up to and including the sixtieth day of the session, the following sums to-wit:

For the Legislative Council, Three Thousand two hundred and Ninety-five Dollars (\$3,295.00).

For the House of Representatives, Four Thousand, one hundred and ten Dollars, (\$4,110.00)

Section 2. The Territorial Auditor is hereby directed to draw his warrants in favor of the President of the Council and Speaker of the House respectively, for the sums of money appropriated for the use of each house, and the Territorial Treasurer is directed to pay the same out of any funds in his hands except funds for the payment of interest on the public debt.

JOINT RESOLUTION XI.

SPECIAL MEMORIAL SERVICES IN HONOR OF HON. BENJAMIN HARRISON. *C. J. R. No. 10; Approved March 20, 1901.*

Whereas, The Thirty-fourth Legislative Assembly of the

Territory of New Mexico has learned, with deep sorrow, of the death of that distinguished soldier, patriot and statesman, Benjamin Harrison, Twenty-third President of the United States; and.

Whereas, In addition to his distinguished services to the whole country and people in that high office, we of New Mexico have special grounds to remember his administration with thankfulness, in that, during his term, he lived up to the spirit as well as the letter of home-rule for the territories, and especially urged the recognition of our rights under the treaty of Guadalupe Hidalgo to have our land titles adjusted and settled, and for that purpose appointed the distinguished court which for ten years past has been adjudicating these matters:

Now, Therefore, Be it Resolved, by the Legislative Council, the House concurring therein, that special memorial services be held on Sunday, the 17th day of March, in the House of Representatives, in the Capitol Building, at three o'clock in the afternoon; and that each house of the Legislative Assembly designate and select two speakers to appropriately eulogize the distinguished dead; and that for the purpose of carrying out the object of this resolution a committee of three members of the Council and three members of the House be appointed by the presiding officer of each body with full power to act and to incur all necessary expense in connection therewith.

JOINT RESOLUTION XII.

TRANSFER OF MONEY TO MILITIA FUND. *C. J. R. No. 9;*
Approved March 20, 1901.

Be it Resolved by the Legislative Council the House concurring therein, That Whereas there has been incurred necessary expenses in the prosecution and collection of the claim of the Territory against the United States Government for \$5,884.54 (of which amount the sum of \$5,017.39 has been paid to the Territory) reimbursement on account of expenses connected with the raising and equipping of volunteers from New Mexico in the Spanish-American war, which expense amounts to \$222.75, and has been paid out of the Militia fund of the Territory, but which ought properly to be paid out of the money so collected from the United States as a part of the necessary expense connected with its collection; Now be it Resolved, by the Legislative Council the House concurring

therein; that the Treasurer of the Territory is hereby directed to transfer from the amount so collected and turned over to him by the United States Government, through the Governor of the Territory, the sum of \$222.75 to the Militia fund of the Territory.

JOINT RESOLUTION XIII.

FURNISHING MEMBERS OF LEGISLATIVE ASSEMBLY WITH LAWS, JOURNALS AND GOVERNOR'S MESSAGE. *H. J. R. No. 11; Approved March 21, 1901.*

Be it resolved by the House of Representatives of the 34th Legislative Assembly of the Territory of New Mexico, the Legislative Council of said Assembly concurring, that the Secretary of the Territory be and is hereby directed to, as soon as the same are printed, furnish, and send by mail, each member of this House and each member of said Council with a copy of the laws passed by the present assembly, and also a copy of the Journal of this House and the Journal of said Council. And copies of the Governor's message and reports of all Territorial officers, in both English and Spanish and the session laws of 1899.

JOINT RESOLUTION XIV.

MAKING AN APPROPRIATION TO PAY WAGES OF OFFICERS AND CLERKS FOR TEN DAYS AFTER ADJOURNMENT OF LEGISLATURE. *H. J. R. No. 13; Approved March 21, 1901.*

Be it resolved by the House of Representatives of the 34th. Legislative Assembly of the Territory of New Mexico, the Council concurring therein:

1st. That there be and is hereby appropriated the sum of Three (\$300) Hundred dollars to meet and pay the wages of the Speaker of the House at Ten (\$10) dollars per day, Chief Clerk at Ten (\$10) dollars per day, Journal Clerk at Five (\$5) dollars per day, and an additional Clerk, to be selected by the Speaker of the House, at Five (\$5) dollars per day, for ten (10) days after the adjournment of the Legislature; and the further sum of Three Hundred (\$300) dollars to meet and pay the wages of the President of the Council at Ten (\$10) dollars per

by, the Chief Clerk at Ten (\$10) per day; Journal Clerk at five (\$5) dollars per day, and an additional Clerk to be Miss Lara H. Olson, at Five (\$5) dollars per day, for ten (10) days after the adjournment of the Legislature.

And be it further resolved, that upon the presentation of his resolution to the Auditor of the Territory of New Mexico, he said Auditor shall draw a warrant upon the Territorial Treasurer in favor of the Speaker of the House, B. M. Read, and the President of the Council, J. Francisco Chaves, for the sum of Three Hundred (\$300) dollars each, respectively, and the Territorial Treasurer is hereby ordered and directed to pay the same out of any funds in the Treasury, except the interest fund, at the time of the presentation of said warrant.

Provided, that the Chief Clerk of each body of said Assembly shall certify the pay roll in the manner hereinbefore provided by law.

JOINT RESOLUTION XV.

**PRESIDENT OF THE COUNCIL AND SPEAKER OF THE HOUSE
TO RETAIN CONTROL OF COUNCIL CHAMBER AND HOUSE
OF REPRESENTATIVES. C. J. R. No. 14; Approved March
21, 1901.**

Resolved by the Council and House of Representatives:

That the President of the Council and Speaker of the House be and they are hereby authorized to retain control of the Council Chamber and Hall of Representatives, and committee & Clerk rooms appurtenant thereto, for ten (10) days after the adjournment of the Legislature for the purpose of clearing up the business of the respective houses.

JOINT RESOLUTION XVI.

**INCREASING PAY OF JOURNAL CLERK AND READING CLERK
OF THE HOUSE, AND MAKING AN APPROPRIATION
THEREFOR. H. J. R. No. 14; Approved March 21, 1901.**

Be it Resolved by the House and Council of the 34th Legislative Assembly of the Territory of New Mexico:

That the Chief Clerk of the House is hereby instructed to place the Journal Clerk and the Reading Clerk of the House upon the pay rolls of the House at the rate of five dollars per

day during the entire time that the House has been or may be in session.

Provided, that it is the intention of this resolution to increase the pay of the Journal Clerk and Reading Clerk of the House one dollar each per day over and above what they already receive in their respective positions.

There is hereby appropriated out of the moneys in the hands of the Territorial Treasurer, except such as are held to pay interest on the public debt, one hundred and twenty dollars; and the Territorial Auditor is hereby ordered to issue his warrant upon the Territorial Treasurer for said amount upon order signed by the Speaker and Chief Clerk of the House.

JOINT MEMORIALS.

JOINT MEMORIAL I.

**TO THE PRESIDENT OF THE UNITED STATES, PROTESTING
AGAINST THE GILA RIVER FOREST RESERVE. C. J. M.
No. 4; Approved February 18, 1901.**

**Be it Resolved, That the following Joint Memorial be adopted
by the 34th Legislative Assembly of the Territory of New
Mexico.**

To the President of the United States:

Your Memorialist, the 34th Legislative Assembly of the Territory of New Mexico, submits for your consideration this its protest on behalf of the people of the Territory, against the continuance in its present form and to its present extent, of what is known as the Gila River Forest Reserve, which was established in western Socorro County in this Territory by Executive proclamation of March 2nd, A. D., 1898, and in that behalf respectfully represents:

That the said Reserve was established without the several thousands of people who live within the boundaries thereof, and are mostly affected thereby, ever having had any notice of the intention to establish it, and without being given any opportunity to protest against the same.

That the said Reserve embraces a section of country, almost as large in area as the State of New Jersey, and includes within its outer boundaries large tracts of land, that are absolutely non-forest in character, and valuable only for mining, agricultural and grazing purposes, besides eight towns and villages, and a large number of farms and stock ranches, as well as two of the most prominent mineral sections in the entire south-west, that is to say, the Cooney and Wilcox Mining Districts.

Your memorialist further represents that it fully appreciates the national economic value of proper forest reserves, but insists that in this particular case because of the character of a large portion of the land embraced within it, the same

does more injury than it can do good to the nation or to the Territory of New Mexico.

Your memorialist further represents that more than five millions of dollars have during recent years been invested in plants and improvements alone upon the mining properties in said districts, and that there are more than thirty-five patented mining claims situated therein, and this all exclusive of the large farming and stock interests aforesaid.

Your memorialist further represents that because of the rules and regulations governing forest reserves and the procurement of timber therefrom for mining purposes, that practically all of the mines in question will become greatly depreciated in value or worthless, because of the inability of their owners to work them, under the restrictions governing the procurement of timber from this forest reserve.

Your memorialist further represents that New Mexico's chief industry is that of sheep raising, and that the Territory has within the last four years advanced from fourth to first place in the nation as a wool producer, and that a large portion of county [country] so included in this forest reserve has been for nearly a half century last past the principal grazing ground for a large number of the flocks of the Territory, and from which grazing ground all sheep are now excluded, thus irreparably injuring the owners thereof as well as the Territory at large.

That the establishing of this reserve practically amounts to a confiscation of all the ranches and homes of the people living within the boundaries thereof, and although they established themselves there many years ago, and endured the greatest hardships and risks in the accumulation of the property they possess, they are to be driven out to begin life anew. Moreover, the practical wiping out as a taxable value of this large amount of property will work irreparable injury to the County of Socorro.

Your memorialist further represents that a sufficient quantity of land, as hereinafter set out, in a square and compact form, can be segregated from the public domain and included within this reserve to include all of the really valuable forest land that exists in that section of country, and which will also include the entire headwaters and catchment area of the upper Gila and Mimbres rivers, which is understood as the primary object of the establishment of this reserve, and this without in any manner including, affecting or injuring any of the homes, ranches, villages or mines aforesaid.

Your memorialist further represents that it verily believes that it was only through inadvertence that the large tracts of

non-forest land aforesaid were included within said reserve, and it being the intention to exclude from such reservations as far as possible all lands that are more valuable for the minerals therein, or for agriculture, than for forest purposes, that it only needs to call the attention of the Executive to the same in order to have the land restored to settlement, location and entry.

Wherefore, Your memorialist respectfully and earnestly prays that all that portion of said Gila River Forest Reserve lying north of the 2nd Standard Parallel south of the United States public land survey of New Mexico, as well as all that part of the same lying south of said same 2nd Standard Parallel south, and west of the range line between Ranges 16 and 17 West, of said same survey, may be restored to the public domain and consequent location and entry, thus relieving the people who are now suffering so much in consequence of the establishment of the reserve over such a large area of non-forest country.

And, Be it Further Resolved, That the Honorable Secretary of the Territory of New Mexico transmit a certified copy of this Joint Memorial to the President of the United States.

JOINT MEMORIAL II.

PROTESTING AGAINST THE PASSAGE BY CONGRESS OF THE UNITED STATES OF SENATOR WILLIAM M. STEWART'S AMENDMENT TO THE MINING LAWS OF THE UNITED STATES, REGARDING THE LOCATION OF MINERAL LANDS.
C. J. M. No. 3; Approved March 8, 1901.

Whereas: It appears that there is now pending in the Congress of the United States a measure introduced for the amendment of the Mining Laws of the United States, affecting the making of locations of Mineral Lands, the provisions of which amendment asked are as follows:

Section 1. That no person shall locate a mining claim, as agent or by power of attorney except as hereinafter provided. No person shall locate more than one placer mining claim in the water shed of any stream or creek in the same mining district, nor shall any person locate more than one claim on any vein or lode.

Provided, that any citizen of the United States, or person who shall have declared his intention to become such, may, after the discovery of ore in place, in a lode, or mineral in

paying quantities in a placer deposit, locate one such claim for one other person as agent or attorney, and no more in any one mining district.

Provided further, that prior to any such location for another, he shall file for record in the Recorder's office of the mining district a power of attorney authorizing him to make mining locations for the person named therein, which power of attorney must be acknowledged before a Notary or other person having a seal and authorized by law to take acknowledgments of deeds; and provided further that the person for whose benefit the location is made shall be a citizen of the United States, or shall have declared his intention to become such, and shall within six months after such location file his acceptance of the same, acknowledged in the same manner as the power of attorney aforesaid, with the Recorder of mining claims in the district where mining claims are recorded, and shall perform the amount of labor and improvements required within the time prescribed by law.

Section 2. That on all mining claims located as provided in Section 1 of this act, the assessment work required by law shall be performed on or before the 31st day of December following the date of location, except that on claims located after the 1st day of September in any year the time in which the said assessment work shall be performed, may be extended to and including the 31st day of December of the following year, and no person shall relocate either by himself or by agent any claim upon which he has failed to perform the said assessment work.

Whereas: Your Memorialists the Thirty-fourth Legislative Assembly of the Territory of New Mexico believing and realizing that all of the provisions of Section 1 of Senator Stewart's bill to amend the Mining Laws of the United States affecting mining locations, if carried into effect would result in great injury to the mining industry of our territory, having as we believe it would a most pernicious effect in the retarding and development of our great mineral lands that are but now attracting the attention of the prospector, miner and capitalist in all parts of the United States and which we most earnestly believe our duty to be the fostering and protection of, to the fullest extent of our power; to the end that all may come and enter into and enjoy to the greatest amount any benefits arising from a liberal and just consideration of their claims in the acquirement of mineral lands.

Therefore we most earnestly protest against any influence that would in our estimation detract from or prevent the enjoyment of the fullest privileges allowed by the Mining Laws

of our country to all who are interested in the development of the mineral resources of the United States.

Whereas: It appears that according to section 2 of said act now pending before Congress, it is recommended that the assessment year or time of completion of annual assessment shall be the 31st day of December of each calendar year except with reference to claims located after the first day of September of the same year, the time for doing assessment may be extended to and including all of the following year up to the thirty-first day of December following date of location. Not comprehending how this would result in benefit to locator and believing that it would not result in the more rapid development of the mineral lands we most earnestly protest against the adoption of this section of the amendment as well as section 1 of same and in lieu thereof would offer the following recommendations as being more effective and in line with a proper application of remedies for a condition that now exists, that of acquiring and holding mineral lands without in any way doing anything required by the United States mining laws for the proper protection of the mining right by assessment work.

Recommended: Whenever the locator or locators of any mining claim located under the laws of the United States shall fail or neglect to do and to perform, or cause to be done and performed upon such mining claim the amount and character of work necessary to be done and performed thereon within ninety days from the date of such location, such locator or locators and his or their assigns shall forfeit all right to such mining claim and shall henceforth for a period of six months from and after the expiration of such ninety days be debarred and prohibited from relocating or procuring, or becoming interested directly or indirectly, except as a *bona fide* purchaser for value in the relocation of such claim, or the location of any other claim which will include any portion of the ground which was included in such forfeited claim. And the subsequent locator of such claim or of any claim including the whole or any part of the land covered by such forfeited claim shall not be entitled to credit for any work that may have been done thereon before the time of such forfeiture. Nor shall the former owner of any such forfeited claim have any right to compensation therefor.

Be it Resolved: That the Secretary of the Territory of New Mexico is hereby instructed to transmit duly authenticated copies of this Memorial to the President of the United States, to the Secretary of the Interior, to the President of the Senate of the United States and the Speaker of the House of Repre-

sentatives and also to our delegate to Congress the Honorable B. S. Rodey.

JOINT MEMORIAL III.

PETITIONING FOR ADDITIONAL LANDS FOR EDUCATIONAL PURPOSES. *H. J. M. No. 2; Approved March 19, 1901.*

The 34th Legislative Assembly of the Territory of New Mexico, to the Congress of the United States:

Whereas, It is the established policy of the General Government to aid in the development of education in every state and territory by grants of public lands for educational purposes, and,

Whereas, it is the special policy at the present time to promote education in our new possessions by liberal assistance from the General Government, and

Whereas, New Mexico ever since her acquisition by the United States more than half a century ago, has fully shown, both in war and peace, her loyalty to the Union and her devotion to the general welfare of the people, and established her right to equal and just consideration with all the states and other possessions, and

Whereas, New Mexico has a very large rural population, sharing the common need of all for universal education, and

Whereas, the valuation of the vast arid tracts of land in New Mexico is so small as to produce but scant revenues for the support of public education, making the universal education of the people almost an impossible problem under present conditions, and

Whereas, every acre of land given from the public domain for the support of education in such commonwealths as Oklahoma or Nebraska is fully equivalent in revenue producing power to ten acres in New Mexico; and

Whereas, the remaining lands not already included in the numerous land and railroad grants, Indian and Military reservations and government entries are of such a character that they are not, and in the very nature of things, never can produce revenues for educational purposes at all proportionate to those produced by the Educational lands of the states, unless the acreage be vastly greater:

Therefore, we your petitioners, the 34th Legislative Assembly of the Territory of New Mexico, recognizing the urgent need of the people for greater and better educational facilities, and recognizing the exceedingly small revenue producing

value of the public lands of New Mexico as compared with those of almost every other commonwealth in the Union, do earnestly ask the attention of Congress to this matter, and to seriously pray that in addition to what has already been granted, there shall be given for the common schools not less than four sections, or their equivalents, in each township throughout the Territory, and also not less than five per cent of the proceeds of all sales of public lands made subsequent to this donation:

That, for the University of New Mexico, the College of Agriculture and Mechanic Arts, the Normal University and the Normal School, there be given not less than Two Hundred Thousand Acres each, and for the school of mines, the Military Institute, the Reform School, the Deaf and Dumb Asylum, and the Institution for the Blind, not less than One Hundred Thousand Acres each; and

Further, recognizing the fact that the future of New Mexico must depend, in part, upon the development of her mineral resources, and regarding it as only natural and right that these mineral resources should assist us in developing and supporting our system of public schools, we pray that in whatever future grants of public lands may be made for educational purposes to New Mexico, there shall be no restrictions concerning minerals thereon, but that the same shall go with the lands, and to the end that New Mexico, like the other states of the Union, may have a permanent and stable income for supporting a liberal system of public education, we pray that these lands may be granted with the expressed conditions that educational lands shall never be sold except such as may be needed for the location of schools, churches, cemeteries, rights-of-way, for public roads, railroads, irrigating ditches and reservoirs, and such public necessities, and with the additional provision that they may be leased for terms not to exceed twenty-five years subject to such rules and regulations as may have been adopted or shall be adopted by the Legislature of New Mexico.

JOINT MEMORIAL IV.

PETITIONING FOR STATEHOOD. *J. M. No. 5; Approved March 20, 1901.*

Of the People of the Territory of New Mexico, through their Thirty-fourth Legislative Assembly, to the Congress of

the United States, for the admission of the Territory as a State of the Union.

To the Honorable The Senate and House of Representatives:
Of the United States of America in Congress assembled:

The People of The Territory of New Mexico, through your memorialist their Thirty-fourth Legislative Assembly, now in Session at Santa Fe, respectfully demand that the Congress of the United States pass at the earliest moment possible, an enabling act, whereby they may form a Constitution and State Government, and be admitted into the union on an equal footing with the original States: and in that behalf respectfully represent:

That they have an inherent right to such admission, by virtue of the principles enunciated in the Declaration of Independence.

That such form of government was guaranteed to them by the solemn declaration of the treaty of Guadalupe-Hidalgo, more than fifty-three years ago.

That both the great political parties of the nation promised in their last national platforms that New Mexico should be admitted as a State without delay.

That the people of the Territory are ready and anxious for such admission, both great political parties in the Territory having so declared in their last territorial platforms, and further they ask admission—Because:

A territorial form of government is intolerable to a free people; it is an incongruity under American institutions, and should be maintained only so long as absolutely necessary to prepare its people for the higher form, and because:

It is taxation without representation; it is a denial of the right of the people to take part in the affairs of the nation, as they have no vote in Congress and never take part in the policies of their country, or in the election of its chief magistrate, and are never appointed to any office in the nation outside of the limits of the Territory itself, save in the army in time of war, and

Because the people in a territory are not free for various reasons, among others their legislative hands being tied by restrictive acts of Congress; because the national platforms of both great political parties are continually violated, and because what ought to be our patrimony, the public domain, is often disposed of absolutely, and the proceeds turned into the national treasury, and restrictive and annoying regulations are made regarding the public lands that are wrong in principle and hard to get corrected; and because Congress

nearly always turns a deaf ear to the just demands of a territory; and

Because the people of the nation have no confidence in a territorial form of government, and refuse to invest their money therein, thus retarding its growth and development; and

Because for more than half a century we have been neglected by the nation, which has done nothing for the education of our people, although they needed it quite as bad in the beginning as do the Porto Ricans and other new possessions, that are not thus being treated, and

Because the Territory of New Mexico has for half a century paid tribute to the national government through the sales of public lands, mining entries, timber sales, internal revenue etc. etc. to an amount vastly in excess of any sums of money ever received in return for all purposes combined, but

New Mexico demands Statehood because she has shown her right to it, in sending more soldiers to the defense of the country per capita in the civil and Spanish-American wars than any other State or Territory, and

She demands it because she is now better than ever well fitted to assume such higher form of government, as in the last few years she has advanced from fourth to first place as a wool producing and sheep raising section of the nation, and is well on towards first place as a cattle raiser, and her mineral, timber and agricultural interests are vast in extent and are being developed in a phenomenal manner. Railroads are being built, plants erected and industries of different kinds being established all over the territory, which has an area as great as that of all the New England States and the the State of New York combined.

Statehood is demanded because the Territory has now a population of about two hundred thousand people.

Because it has within its boundaries property easily of the value of upwards of one hundred millions of dollars, that will be available to tax for the support of a State government, and

Because it has made more educational progress in the last decade than any other part of the nation without any exception, and has now a better system of common schools per capita, than any other State or Territory, and

Supports more and better public institutions all built at its own expense when the national government ought to have built them (we still being a territory) among which institutions may be mentioned a capitol building, a University, a school of mines, an agricultural college and experiment station, a normal university, and another fine normal school, a

military institute, an insane asylum and a penitentiary, besides several fine hospitals, a deaf and dumb asylum, and many minor institutions, and

Because it has within its boundaries not less than fifteen cities and towns, that are modern up to date places in every respect, and that are far in advance of places in the eastern States of equal size, and this without disparaging the many other towns and villages within its boundaries, and all of which cities and most of which towns support and have buildings in which to maintain as fine a system of public schools as exists any where west of the Central States, or in fact anywhere in the whole nation, and

Because the people of the Territory are a conservative law abiding people, more than ninety per cent of them being born American citizens, attached to the principles of the Constitution of the United States, and

Because in more than twelve Congresses of the United States, the fitness of the people of New Mexico for a State Government has been fully investigated, and bills passed in one house or both for the admission of the Territory, all of which failed to become a law through one mishap or another, until now more than half a century has passed and the Territory has arrived at its present advanced condition all through its own unaided efforts, and at its own cost, notwithstanding the continued neglect of the national government and the tribute it has had to pay as aforesaid:

Wherefore Your Memorialist Prays That Its Just Demand Here Made For Rights Too Long Deferred May Be Granted To The Law Abiding And Patriotic People of The Great Territory of New Mexico.

And

Be it resolved by the Legislative Assembly of the Territory of New Mexico:

That the foregoing memorial be and the same hereby is adopted, and that the Secretary of this Territory be and hereby is requested to certify copies thereof to the President of the United States, the president of the Senate, the Speaker of the House of Representatives and the sitting Delegate and the Delegate-elect.

JOINT MEMORIAL V.

INVITING HIS EXCELLENCY, WILLIAM M'KINLEY, PRESIDENT OF THE UNITED STATES, TO VISIT THE CITY OF ALBUQUERQUE. C. J. M. No. 12; Approved March 21, 1901.

Your Memorialists, the Council of the 34th Legislative Assembly of the Territory of New Mexico, and the House of Representatives concurring, respectfully request the honor of a visit from His Excellency William McKinley, President of the United States, to the Territory of New Mexico, upon the occasion of the contemplated trip of our Chief Executive to the City of San Francisco to witness the launching of the Battleship Ohio.

And in this connection we would call the attention of his Excellency to the fact that the citizens of New Mexico would be pleased to meet their President at the City of Albuquerque which is located in the center of our great Territory, and is easy of excess [access] from El Paso, Texas, from which point he can readily enter the Territory and after remaining at Albuquerque, as the guest of New Mexico, may pursue the remainder of his journey westward over the line of the Santa Fe Pacific Railroad Company, which will provide a special train for the occasion.

And be it resolved, that the Secretary of the Territory be, and he hereby is directed to have an enrolled and engrossed copy of this Memorial made on parchment and transmitted to the President of the United States at Washington, D. C. at the earliest possible date.

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY OF THE TERRITORY. } ss.

I, J. W. Raynolds, Secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing printed copies of the Acts, Joint Resolutions and Joint Memorials of the Thirty-fourth Session of the Legislative Assembly of the Territory of New Mexico, with the enrolled and engrossed originals thereof now on file in this office, and declare that they are a correct transcript therefrom and of the whole thereof.



IN WITNESS WHEREOF, I have here-
unto set my hand and affixed my official seal, this 22nd day of May, A. D. 1901.

J. W. RAYNOLDS,
Secretary of New Mexico.

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Municipalities to control	40	20	85
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HOGS:

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HOMESTEAD:

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HORSES:

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Freshly branded not to be sold	23	2	51
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Qualification of teachers	27	2	56
Race; no distinction because of	78	1	147
Tax levy for	21	1	43
Tax levy; special in municipal corporations.....	27	3	57
Teachers to attend county Institute	27	4	58
Teachers to file certificate of good health	43	2-3	90
Teachers to undergo physical examination.....	43	5	91
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SCHOOL PUPILS:

Intoxicants or tobacco; sale or gift to unlawful	3	1	18
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Record and itemized accounts to be kept	98	1-3	189

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